

EXHIBIT F

August 28, 2001

Delphi Automotive Systems
200 Georgesville Road
Columbus, Ohio 43228

Good Morning.

I began employment with Delphi Automotive Systems in May, 1999 and now, two years later, after serious deliberation, I find it necessary to resign from my current position effective September 28, 2001. In the time frame that exists I will diligently assist in the search for a replacement to fill the positions of Salary Personnel Representative and Education & Training Coordinator.

Thank you for giving me the opportunity to work with the Delphi organization

Sincerely,

Edith C. James

EXHIBIT G

HUMAN RESOURCE STAFFING DOCUMENT

POSITION INFORMATION

Requisition No.: MfgCol21INTP-07 Product Line: Location: Columbus Dept. No.: 430
 Position Code: 7P21 Position Title: Sr. Salaried HRM Rep. Req. Date: 12/01/01
 Staff Area: HR Division/Subsidiary: Safety & Interior Per Unit: 5030

OPPORTUNITY AWARENESS PROGRAM CONTACT INFORMATION

Email Information: Fax:

MAJOR JOB RESPONSIBILITIES

Participates in selection of new employees
 Trains, develops and evaluates employees
 Administers salaried compensation program
 Interprets and communicates salaried Corporate/divisional /plant personnel policies and procedures
 Administers elements of HRM
 Counsels leadership and provides strategic direction to leadership
 Maintains regular contact with divisional contacts
 Participates in the proper disposition of HR issues
 Coordinates & participates in all aspects of salaried HRM

MAJOR JOB QUALIFICATIONS/SPECIFIC SKILLS (REQUIRED/PREFERRED)

Highly developed oral & written
 High level of analytical ability where problems are complex
 High level of interpersonal skills to work effectively with others,
 Ability to work with all levels of leadership
 Ability to apply knowledge of Corporate/divisional policies to resolve salaried issues
 Ability to make decisions within the limits of general policies & procedures

EDUCATIONAL REQUIREMENTS (REQUIRED / PREFERRED):

Degree: BA. Required Major:

SUPERVISOR INFORMATION:

Name: MILES BARR Phone: Mail Code:

DETAILED EXPLANATION OF NEED, SPECIFY

TARGET DATE:

REPLACEMENT OR ADDITION:

12/01/2001

REPLACEMENT FOR E. JAMES

AAP INFORMATION (U.S. ONLY)

Not Underutilized

Underutilized - Minority

Underutilized - Female

Area of Work:

APPROVAL FOR HUMAN RESOURCES STAFFING DOCUMENT INITIATION: DIVISIONAL DISCRETION

HR Staffing Plan Owner / HR Rep

Date

Staff Director Approval

Date

Divisional Approval

Date

CANDIDATES CONSIDERED:

Name of Other Candidates Considered

Min Fem Internal External

Reason Not Searched

Candidate Selected:

Employee ID:

Minority
Bonafied

Female
Proficiency

External Hire

Internal Transfer from Dept.: _____
 Internal Transfer from Div.: _____

Increase of:

%

Position Code:

Effective Date:

APPROVAL FOR CANDIDATE SELECTION: DIVISIONAL DISCRETION

Staff Area Approval
(As Delegated)

Date

Human Resources/EEO

Date

Releasing Staffing Plan Owner
(For Internal Candidates)

Date

EXHIBIT H



Date: February 1, 2002

To: Columbus Team

Subject: Organizational Announcement

Effective February 1, 2002, we are pleased to announce that Mr. Michael Waters is promoted to Supv. of Human Resources for the Delphi Safety & Interior Columbus facility. In this assignment, Mike will report to Jim Barr, Plant Personnel Director. Mike will have responsibility for implementation of salaried personnel policies and procedures.

Prior to joining Delphi Automotive Systems in 1999 as an Analyst with the Executive Compensation Staff, he held various HR positions with a trucking and logistics firm. Mike earned his Bachelors degree in Business Administration from Central Michigan University.

Please join us in supporting Mike and welcoming him to Delphi Safety & Interior.

After the transition period, Edith James will be reassigned. Her new assignment will be announced at a future date.

Tom Green
Plant Manager
Delphi Safety & Interior
Columbus Facility

EXHIBIT I

NOTICE OF OPEN POSITION

** Self-Nomination Procedure **

DELPHI AUTOMOTIVE – COLUMBUS

Listed below is a salaried position that is open as of the date of this notice. If you are a Delphi Columbus regular active classified salaried employee and are interested in receiving consideration for this opening, a Self-Nomination Form must be personally filed with the Salaried Personnel Office no later than 4:00 p.m. on 3/3/00 to ensure consideration. The Self-Nomination Forms are available in the Salaried Personnel Office.

JOB TITLE: Labor Relations Representative

POSITION CODE: 6P11

SUPERVISOR:

DEPARTMENT: 43

The following key elements describe the basic duties and responsibilities of the position and are not all-inclusive.

Key Elements

Qualifications

- Advises management of proper interpretation of local and national agreements, statements, letters and memos.
- Investigates grievances.
- Prepares written summations of grievances, recommends disposition and assists in administering the grievance procedure.
- Counsels management concerning potential disciplinary action.
- Participates in local negotiations.
- Keeps management advised of developments which could impact on operations.
- Regular contact with others outside the work group.

- Highly developed oral and written communications skills.
- High level of interpersonal skills to work effectively with others.
- Knowledge of agreements, policies, and understandings with the union.
- Relatively high level of analytical ability where problems are complex.
- College graduate.

NOTICE: Applications received by the Salaried Personnel Office in response to this notice will be considered only for this position.

NOTICE #: 104 **POSTING DATE:** 02/24/00 **DEADLINE DATE:** 03/03/00

106

**** DELPHI AUTOMOTIVE IS AN EQUAL OPPORTUNITY EMPLOYER ****

CONFIDENTIAL
Subject to Protective Order

DEL/JAM000376

EXHIBIT J

NOTICE OF OPEN POSITION

** Self-Nomination Procedure **

DELPHI INTERIOR SYSTEMS – COLUMBUS

Listed below is a salaried position that is open as of the date of this notice. If you are a Delphi Columbus regular active classified salaried employee and are interested in receiving consideration for this opening, a Self-Nomination Form must be personally filed with the Salaried Personnel Office no later than 4:00 PM on 9/19/00 to ensure consideration. The Self-Nomination Forms are available in the Salaried Personnel Office.

JOB TITLE: Safety Administrator

POSITION CODE: 6P06 or 7P50

SUPERVISOR: Loretta Woolridge

DEPARTMENT: 43 HRM

The following key elements describe the basic duties and responsibilities of the position and are not all-inclusive.

Key Elements	Qualifications
<ul style="list-style-type: none">• Advises management on safety related matters• Meets with union health and safety representative• Maintains awareness of state and federal safety regulations and unit and corporate policies and procedures regarding safety and industrial health• Conducts programs in safety training for other employees• Reviews new equipment and methods for avoiding potential safety hazards• May accompany compliance officers and prepare required data• Investigates accidents and/or injuries• Develops and implements programs to reduce job related injuries• Conducts plant safety and housekeeping inspections• Develops and administers plant safety rules and instructions• Analyzes safety statistics and develops recommendations• Complies with the terms of local and national labor agreements• Regular contact with others outside the work group	<ul style="list-style-type: none">• Thorough knowledge of manufacturing processes and industrial safety• High level of oral and written communication skills• High level of interpersonal skills to work effectively with others, motivate employees and elicit work output• Understanding of environmental sampling techniques• Relatively high level of analytical ability where problems are complex• College graduate with a major in industrial safety or engineering or equivalent training• Completion of recommended corporate training programs

NOTE: Applications received by the Salaried Personnel Office in response to this notice will be considered only for this position.

NOTICE #: 110

POSTING DATE: 9/12/00

DEADLINE DATE: 9/19/00

**** DELPHI AUTOMOTIVE SYSTEMS IS AN EQUAL OPPORTUNITY EMPLOYER ****

EXHIBIT K

Employee No 010005529
Continuous Service Date 03/29/1999
Residence Status Exempt
Exempt Status
SSN
Gender Male
Birth Date 10/05/1971
Ethnic Origin White/Not Hispanic origin
Veteran Status Non-veteran
Disability No
Telephone
Address

REDACTED

Education

Certificate	Year	School	Brn of Study 1	Brn of Study 2
Bachelor	1994	Central Michigan U	Business Admin - General/Commerce/Prod	
Language				
Language	Skill		Proficiency	
Appraisal				
Date	App Crit	Appraiser		
01/31/2003	S	JAMES BARR		
01/01/2001	N			
Employment				

Filed 11/22/06
(contd) Pg 12 of 49

11/22/06 08:17:46 Exhibit B

Sub Area Org Unit
Area
EE SG Reason for Action

02/01/2002	SUPV, HRM	PY GD	PY LV	Div/Stf	Pers. Area	Sub Area	Org Unit	EE SG Reason for Action
06/01/2000	EXEC COMP ANALYST	7	7C	DPH-INTERIOR	COLUMBUS	OH	PERSON	D5030/430 RA PROMOTION-BONAFIDE
03/29/1999	EXEC COMP ANALYST	6	6B	DPH-HD QTRS	TROY	MI	PERSON	D0010/00500 RA PROMOTION-PROFICIENCY
03/29/1999	EXEC COMP ANALYST	6	6C	DPH-HD QTRS	TROY	MI	PERSON	D0010/00500 RA ADD RECORD
		6	6C	DPH-HD QTRS	TROY	MI	PERSON	D0010/00500 RA HIRE-REGULAR

CONFIDENTIAL
Subject to Protective Order

DEL/JAM000084

DEPOSITION TRANSCRIPT
EXCERPT PAGES

1 IN THE COURT OF COMMON PLEAS
2 FRANKLIN COUNTY, OHIO1 Friday Morning Session,
2 December 12, 2003.3 ---
4 STIPULATIONS5 It is stipulated by and between counsel
6 for the respective parties that the deposition
7 of Reginald D. Williams, a witness herein,
8 called by the Plaintiff under the applicable
9 Rules of Civil Procedure, may be taken at this
10 time and reduced to writing in stenotypy by the
11 Notary, whose notes thereafter may be
12 transcribed out of the presence of the witness;
13 and that proof of the official character and
14 qualification of the Notary is waived; that the
15 examination, reading and signature of the said
16 Reginald D. Williams to the transcript of his
17 deposition are waived by counsel and the
18 witness; said deposition to have the same force
19 and effect as though signed by the said
20 Reginald D. Williams.21 ---
22 ---
23 ---
24 ---21 Armstrong & Okey, Inc.
22 185 South Fifth Street, Suite 101
23 Columbus, Ohio 43215
24 (614) 224-9481 - (800) 223-9481
25 Fax - (614) 224-5724
26 ---2 INDEX TO EXHIBITS
3 ---
4 Plaintiff Exhibits Identified
5 T Job description 19
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4

1 APPEARANCES:
2 Cooper & Elliott
3 By Sheila P. Vitale
4 2175 Riverside Drive
5 Columbus, Ohio 43221
6 ---
7 On behalf of the Plaintiff.
8 Jones Day
9 By Jeffrey D. Winchester
10 41 South High Street
11 Suite 1900
12 Columbus, Ohio 43215-6113
13 ---
14 On behalf of the Defendants.
15 ---
16 ---
17 ---
18 ---
19 ---
20 ---
21 ---
22 ---
23 ---
24 ---

1 **Q.** But that wasn't the biggest part of
2 your job duties; is that your understanding?

3 **A.** I would say no.

4 **Q.** So it wasn't a major part of your
5 job duties?

6 **A.** No, it was not.

7 **Q.** And at some point in time you were
8 removed from the director of education and
9 training and you became a production supervisor;
10 is that correct?

11 **A.** Correct.

12 **Q.** Did you apply for the production
13 supervisor position?

14 **A.** No.

15 **Q.** How were you moved?

16 **A.** I was told I was going back to
17 production.

18 **Q.** Who told you?

19 **A.** Loretta Woolridge.

20 **Q.** When were you told you were being
21 moved back to production supervisor?

22 **A.** When?

23 **Q.** Yes.

24 **A.** About the week before Thanksgiving

1 **1.** department, and then there's the production
2 floor area?

3 **A.** Yes.

4 **Q.** And there's basically an
5 understanding within Delphi or to your
6 understanding that being moved up to the front
7 office was considered a promotion off of the
8 production floor?

9 **MR. WINCHESTER:** Objection to the
10 extent it calls for speculation as to what other
11 people thought. Go ahead.

12 **MS. VITALE:** And I'm just asking as
13 to your opinion.

14 **A.** In the locker room, moving to the
15 office was a promotion; going back to production
16 was a demotion.

17 **Q.** What do you remember about the
18 conversation with Ms. Woolridge when you were
19 told you were being moved back to the production
20 supervisor position?

21 **A.** During that time period, things got
22 kind of garbled in my mind. My wife became ill,
23 and shortly after that she passed, and all of
24 that just kind of rolled up into one big ball,

1 2000.

2 **Q.** Were you happy about being moved to
3 production supervisor?

4 **A.** No.

5 **Q.** Was the production supervisor
6 position back on the production floor?

7 **A.** Yes.

8 **Q.** Did you consider that a demotion?

9 **MR. WINCHESTER:** Objection. Can I
10 get a clarification? You're asking if he
11 personally, in his opinion, considered it a
12 demotion?

13 **MS. VITALE:** Right.

14 **A.** Yes.

15 **Q.** Why did you consider that a
16 demotion?

17 **A.** When moved up front to the office
18 area, it was considered a promotion.

19 Supervisors personally felt that's a promotion.
20 The production floor, to be sent back, I felt it
21 as a demotion.

22 **Q.** So just so I understand, within
23 Delphi, there's the front office area, which
24 would include human resource or personnel

1 **1.** and I really don't have a lot of recollection of
2 the conversations that I had with people.

3 **Q.** You just remember being told that
4 you were being moved back?

5 **A.** Yes.

6 **Q.** Did you know what happened to -- who
7 took over the job duties and responsibilities of
8 the education and training?

9 **A.** Do I know? No, I don't. No, I
10 didn't.

11 **Q.** At some point in time did you learn
12 what happened to the education and training
13 duties and responsibilities after you were
14 demoted?

15 **A.** Yes. I was told, yes.

16 **Q.** Do you recall who told you what
17 happened to the education and training
18 responsibilities?

19 **A.** I believe Miss Woolridge did.

20 **Q.** Was this after you returned to
21 Delphi?

22 **A.** Yes.

23 **Q.** Do you remember when it was that you
24 returned to Delphi? I understand you took some

1 IN THE COMMON PLEAS

2 COURT OF FRANKLIN COUNTY, OHIO

3

4

5 EDITH JAMES,

6

Plaintiff,

7

8

-vs-

Case No. 03-CVHO2-02213

9

10 DELPHI AUTOMOTIVE SYSTEMS, LORETTA

11 WOOLRIDGE, and JAMES R. BARR,

12 Defendants.

13

14 -----/

15

16 DEPONENT: LORETTA WOOLRIDGE

17 DATE: Friday, November 14, 2003

18 TIME: 11:30 a.m.

19 LOCATION: 2301 West Big Beaver Road
20 Suite 925

21 Troy, Michigan

22 REPORTER: Cindy A. Boedy, CSR-4696

23

24

25

<p style="text-align: right;">30</p> <p>1 A. I know that the P means personnel. 2 Q. And do you know what the 21 would mean? 3 A. No, I don't. 4 Q. So that would just basically mean 7th level in the 5 personnel department; is that correct? 6 A. Uh-huh. 7 MR. WINCHESTER: You have to answer orally. 8 THE WITNESS: Yes, I'm sorry. That is 9 correct. 10 BY MS. VITALE: 11 Q. Did you assist in -- I understand that Frank Cerny 12 at a point in time decided to retire; is that 13 correct? 14 A. That is correct. 15 Q. And when he was retiring, he posted a position 16 opening for his position; is that correct? 17 A. That's correct. 18 Q. Did you participate at all in the posting of Frank 19 Cerny's position? 20 A. No, I did not. I just told him to post. 21 Q. You told him to post for his position; is that 22 correct? 23 A. Yes. Get the posting up there. 24 Q. And when you said, Get the posting up there, did you 25 mean for your, Frank Cerny's, position as supervisor</p>	<p style="text-align: right;">32</p> <p>1 Q. When you say "at the time" -- 2 (Exhibit I marked.) 3 BY MS. VITALE: 4 Q. Let me just for clarification make this a little 5 easier. I want to show you what's marked is Exhibit 6 I. Could you just tell me what Exhibit I is? 7 A. This is a standard form in the self-nomination 8 procedure. 9 Q. And it's for supervisor/salaried personnel 10 administration; is that correct? 11 A. Oh, yes. 12 Q. And that was Frank Cerny's position, correct? 13 A. Yes. 14 Q. And it's posted -- or the posting date at the bottom 15 says November 15th, 2000. 16 A. Yes. 17 Q. When you said at the time it was intended to 18 replace, and correct me if I'm misstating your 19 testimony, but you indicated that at the time when 20 Frank Cerny announced his retirement, you had told 21 him to get the posting up there, and at the time the 22 intention was to replace his position; is that 23 correct? 24 A. Yes, that's correct. 25 Q. And at the time, you meant around November 15th,</p>
<p style="text-align: right;">31</p> <p>1 salaried personnel administration? 2 A. At the time I just -- get the posting up there. No 3 other direction was given to him. 4 Q. You didn't tell him what job duties or 5 responsibilities to include? 6 A. No, I did not. 7 Q. Do you know that Frank Cerny placed the posting for 8 his position? 9 A. I subsequently knew that, yes. 10 Q. So you found out after Frank Cerny had posted for 11 his position? 12 A. Well, just in a matter of, Is the posting up there, 13 have you posted, you know, your job? And he said, 14 Yes, I've taken care of that. 15 Q. The posting didn't go to you for approval before he 16 -- Frank Cerny put the posting up; is that correct? 17 A. No, it didn't. 18 Q. So at the time, it was the intention that Frank 19 Cerny's position would be replaced; is that correct? 20 A. That's pretty much correct. 21 Q. When you say "that's pretty much correct," what do 22 you mean? 23 A. Well, at the time, Frank was going to vacate that 24 position when he retired, and at the time that's the 25 position that would have been replaced.</p>	<p style="text-align: right;">33</p> <p>1 2000; is that correct? 2 A. That's correct. 3 Q. What do you mean at the time that was the intention? 4 Did the intentions change at some point in time? 5 A. Yes. 6 Q. When did the intention change to replacing Frank's 7 position? 8 A. During the latter part of 2000, the plant, more 9 specifically the division and even the corporation, 10 was in a posture to reduce and to find cost savings 11 within any area that those savings could be found, 12 and all functional areas were compelled to look 13 within their respective organizations to see where 14 they could make cuts. Head count is generally the 15 first place you go in terms of structural cost 16 reductions, so the core staff began to dialogue and 17 certainly the plant manager began to be directive as 18 to, you know, how critical this issue was. As a 19 matter of fact, she even put up a posting so that 20 the whole plant could know what kind of posture we 21 were in to try and get to the reductions that were 22 being asked by our company. 23 I had to look specifically within my own 24 group. I'd already made cuts, but obviously, I 25 wasn't precluded from making more.</p>

<p>46</p> <p>1 A No, I didn't. 2 Q And going back, when the discussions were being made 3 about, you know, taking away the supervisory 4 component of the supervisor salaried personnel 5 position and adding some training components to that 6 position, was there any discussions regarding the 7 position code being modified? 8 A I'm sorry, would you repeat your question? 9 Q Yes. Back when you were having discussions 10 regarding the modifications of the job duties and 11 responsibilities such as taking away the supervisory 12 component of the supervisor salaried personnel 13 position and adding in some training 14 responsibilities, were there any discussions 15 regarding modifying or changing the position code? 16 A Discussions with whom? 17 Q With anyone. 18 A No, there was no discussion about modifying the 19 position code with anyone. 20 Q Was there any discussions about changing it to 21 a 6th level position that you recall? And I'm 22 talking about the time when the decisions were being 23 made about modifying the jobs such as taking away 24 the supervisory position and adding some training 25 components.</p>	<p>48</p> <p>1 and 7th level candidates who had submitted 2 applications, and so they were all in the interview 3 mix. So it wasn't so much a focus on level that was 4 an issue for the interviewees, it was more making 5 sure that each interviewee knew that the job as it 6 had been posted was no longer the same; it had been 7 reconfigured. 8 So before discussing anything else with the 9 candidates as far as their continued interest, I 10 wanted to be sure that the interview started with 11 them understanding that the job had been 12 reconfigured. 13 Q And then you said before any discussions were made 14 regarding the position being a 6th or 7th -- did you 15 discuss with -- I guess strike that. 16 Did you discuss with the candidates whether 17 or not the position would be a 6th or 7th level? 18 A We didn't discuss that, but -- 19 Q Go ahead. 20 A We didn't discuss that. 21 Q And just so we're on the same page, and I think I 22 understand, I'm not sure, in Delphi, there are 6th 23 level and 7th level positions? 24 A Certainly. 25 Q Now, you indicated that there were 6th level and 7th</p>
<p>47</p> <p>1 A In the conversations with Jan Santare and also 2 invariably in the core staff, when I was conveying, 3 you know, who I had selected for this position, 4 there were discussions that were similar to what 5 you're saying, but you know, they came -- they 6 actually came later. 7 Q So those discussions came after Ms. James was 8 selected to fill the position? 9 A No. As far as the position is concerned, the 10 position ultimately was reconfigured, so in our 11 minds this wasn't the same position that was posted, 12 I guess, and otherwise, I'm trying to follow your 13 questions, but it's -- 14 Q That will help clarify. So the position that Ms. 15 James filled was not the position that was posted; 16 is that correct? 17 A It had been changed. 18 Q And in discussing the position as being a 6th level 19 position, when was that decision made, if you can 20 recall? 21 A Maybe I should -- I guess there wasn't a cut-and-dry 22 decision or discussion about it being a 6 or a 7, so 23 I will say when we started to interview the 24 candidates, there was a mix of both 6th and 7th 25 level candidates for this position. There were 6th</p>	<p>49</p> <p>1 level persons applying for the job which is marked 2 as Exhibit I, correct? 3 A That is correct. 4 Q And no decision was made at the time the 5 modifications to this job description -- job posted 6 as Exhibit I was made. Does that make sense? 7 A That's right. 8 Q All right. When, if you recall, were any 9 discussions made regarding the fact, you know, the 10 position code being 6th or 7th level? 11 A Would you repeat your question, I guess? 12 Q When if you recall at all -- first, do you recall 13 any discussions about the job being a 6th level or a 14 7th level job? 15 MR. WINCHESTER: Let me interject and 16 object there. I think that mischaracterizes 17 previous testimony. If I'm understanding counsel's 18 question as some jobs are 6th only or some jobs are 19 7th only, I'm not sure that correctly captures the 20 testimony. 21 MS. VITALE: No, that's not what I'm 22 asking. Your clarification is fine. And I see this 23 is getting kind of confusing for me too. 24 BY MS. VITALE: 25 Q I'm trying to determine -- I know that Exhibit I was</p>

<p style="text-align: right;">54</p> <p>1 whether it was a 7th -- you would retain the 7th 2 level position or 7th level pay code or, you know, 3 was 6th level was based on the individual?</p> <p>4 A. That would have been a discussion that invariably 5 would have come up once you're ready to make a 6 selection now.</p> <p>7 Q. You also indicate that some people that applied for 8 this position had been performing Frank Cerny's type 9 job in other areas; is that correct?</p> <p>10 A. At other Delphi locations.</p> <p>11 Q. Okay. That's what I wanted to be clear on.</p> <p>12 A. Yes.</p> <p>13 Q. So you had some people from another Delphi facility 14 that were, you know, in HR doing the same position 15 generally as Frank Cerny?</p> <p>16 A. Yes.</p> <p>17 Q. They also applied to move to the Columbus facility?</p> <p>18 A. That's right.</p> <p>19 Q. Did you have any people from within the Columbus 20 facility other than Ms. James apply for the 21 position? And I know there's been some discussions 22 about confidentiality of people's names, so first, 23 why don't you just give me the number, if any.</p> <p>24 A. Yes, there were other personnel who applied for the 25 position. One was in finance. Do you want race and</p>	<p style="text-align: right;">56</p> <p>1 A. She had actually supported the male when he was 2 gone. They both were from the same work group. So 3 she had performed some of those duties, but they 4 were not her assigned job.</p> <p>5 Q. Who made the ultimate decision as to -- and let me 6 strike that.</p> <p>7 You first indicated that you made the 8 decision as to who was selected to be interviewed; 9 is that correct?</p> <p>10 A. Ultimately, yes. I'm sorry, to be -- to select for 11 the interview?</p> <p>12 Q. Yes.</p> <p>13 A. Oh, yes. I made the decision.</p> <p>14 Q. And who made the decision then to -- who to hire 15 into that position?</p> <p>16 A. I had some help as far as that decision, and it was 17 from Jan Santarc.</p> <p>18 Q. Did Jan sit in to any interviews?</p> <p>19 A. No, she did not.</p> <p>20 Q. The information then that you received regarding 21 people you interviewed, was that basically based on 22 your notes from the interview?</p> <p>23 A. Yes, and my -- just direct recollection.</p> <p>24 Q. So you discussed with her the people that you had 25 interviewed?</p>
<p style="text-align: right;">55</p> <p>1 sex of those?</p> <p>2 Q. Sure.</p> <p>3 A. A Caucasian female, a Caucasian male out of 4 manufacturing. In fact, I think there were two 5 Caucasian males out of manufacturing, there was a 6 minority male out of manufacturing. To the best of 7 my memory, those were the applicants. There might 8 have been --</p> <p>9 Q. Someone else you just don't recall right now?</p> <p>10 A. Right.</p> <p>11 Q. So basically about -- not including Ms. James, 12 approximately four other people from within the 13 Columbus plant had applied for the position?</p> <p>14 A. That's right.</p> <p>15 Q. How many people applied from outside of the Columbus 16 plant?</p> <p>17 A. I don't know how many applied, I can tell you how 18 many I identified to interview. There were two. 19 They were both Caucasians, and one was a male and 20 one was a female.</p> <p>21 Q. And are those two outside people, were they 22 performing Frank Cerny's job in other Delphi 23 facilities?</p> <p>24 A. The male was.</p> <p>25 Q. Female wasn't?</p>	<p style="text-align: right;">57</p> <p>1 A. Yes.</p> <p>2 Q. And then the two, both you and Jan, selected who 3 would fill the position?</p> <p>4 A. I actually discussed this with Jan in a core staff 5 meeting. Jan was -- Jan facilitated those meetings, 6 and I was conveying to my core staff what my 7 selection decisions were regarding this position.</p> <p>8 Q. And how many -- You say what your selections were. 9 Did you reduce it down then to one or two people?</p> <p>10 A. At the time I brought the issue to the core staff, I 11 had actually prioritized the candidates in terms of 12 my selection. It was narrowed down to about 13 probably four people at that time.</p> <p>14 Q. And then you rated my first choice would be, my 15 second choice would be, correct?</p> <p>16 A. That is correct.</p> <p>17 Q. And of those four people, Edith James one of those 18 people?</p> <p>19 A. Yes.</p> <p>20 Q. What was the sex and race of the other three?</p> <p>21 A. The first was Caucasian male, the second was a 22 Caucasian female, and the third was a Caucasian male 23 that I sort of had on par with Edith at that time.</p> <p>24 Q. So there was kind of like three --</p> <p>25 A. Kind of like three tiers of -- yes.</p>

<p>1 said she could come in that job and hit the floor 2 running, that could perform this work the way that 3 the gentleman could have if I were able to get the 4 outside candidate. I would take a tremendous 5 flattening of a learning curve. So given that, I 6 said this is the choice then that I will go with. 7 And it was agreed, let's get her in the job and see 8 how she does. It's a growth opportunity at that 9 point.</p> <p>10 It is probably at that time, you know, that 11 I began to accept we're going to get a person in 12 this job that we can grow into this position.</p> <p>13 Q. And just so I'm clear, the white male that was on 14 the same -- basically that you would write the same 15 as Ms. James, he had been in the training position 16 before, but he was frustrated with it and is that 17 why he was kind of -- was that why the core members, 18 core staff personnel, kind of said I'm not sure 19 about him?</p> <p>20 A. Well, it was -- I can't say it was just the core 21 staff. I had to obviously feel comfortable. I had 22 nothing but inputs from people who knew everybody 23 there, knew both of these individuals longer than I 24 had. The individual I'm talking about had been at 25 that plant for many, many years.</p>	<p>62</p> <p>1 candidates other than Ms. James, they all would have 2 continued on as their 7th level position had they 3 been offered the position which I believe just 4 became salaried personnel representative; is that 5 correct?</p> <p>6 A. The position at 6th level is salaried personnel 7 representative. If the 7th level person had been 8 selected, the title commensurate with the 7th level 9 at that particular job duty would have been used.</p> <p>10 Q. Do you know what the position title was then for the 11 job Ms. James assumed?</p> <p>12 A. Salaried personnel representative; that's all.</p> <p>13 Q. And do you know, was it discussed or do you have any 14 knowledge what the position title would have been 15 had a 7th level person been selected?</p> <p>16 A. I don't know the exact title. It may have been 17 senior representative. I'm not sure.</p> <p>18 Q. Who made the decision that Ms. James would remain a 19 6th level in the position?</p> <p>20 A. Basically from the discussions that I just 21 previously spoke about, and we looked at the 22 qualifications that she brought to the job, the 23 attributes that I said that would allow her to grow 24 into the position. It was all understood at that 25 point that a lateral move from where she resided</p>
<p>63</p> <p>1 So it was just a matter of making the 2 decision that if you're going to grow someone in the 3 job, you can either take someone who has just enough 4 knowledge about how the activity to go -- would go 5 that they may not be open, you know, to some of the 6 training and the development and the molding that 7 you're going to want to do, or you can take someone 8 who just has an open slate to be able to, you know, 9 be openminded to that.</p> <p>10 Q. So the final decision to come down to Ms. James was 11 made with you, by you, along with Jan Santare and 12 the core staff; is that correct?</p> <p>13 A. Pretty much, yes.</p> <p>14 Q. And is it your understanding that if you were able 15 to select any of the other three people that they 16 would have come in as a 7th level, continued to 17 carry their 7th level position?</p> <p>18 A. Yes.</p> <p>19 (Break was taken.)</p> <p>20 BY MS. VITALE:</p> <p>21 Q. And I just want to go back for a second to make sure 22 we're all on same page that we were on before the 23 break.</p> <p>24 You indicated that it was your 25 understanding then that any of the other three</p>	<p>65</p> <p>1 would be appropriate and that she would have some 2 opportunity to grow to eventually achieve possibly 3 7th level status in that job.</p> <p>4 Q. You indicated it was assumed that it would be -- Ms. 5 James would continue in the 6th level as a lateral 6 move. Did anyone specifically tell you, you know, 7 Ms. Woolridge, we're going to leave Ms. James in the 8 6th level, do a lateral move?</p> <p>9 MR. WINCHESTER: Before you answer, I'm not 10 sure she used the word assume. I just wanted to put 11 that on the record.</p> <p>12 THE WITNESS: I don't think I did use 13 assume.</p> <p>14 MS. VITALE: Can you read back what her 15 answer was then? I'm sorry.</p> <p>16 (Court reporter read back previous answer.)</p> <p>17 BY MS. VITALE:</p> <p>18 Q. When you said that it was understood that Ms. James 19 would remain in the 6th level position. Did anyone 20 tell you specifically that Ms. James should remain 21 in a 6th level position?</p> <p>22 A. It's a conclusion that both Jan and I, you know, 23 came to that this would be an opportunity for us to 24 select Edith who was the fourth-choice candidate 25 internally to come in and have the opportunity to</p>

<p>70</p> <p>1 A. If they had been still interested in the job after 2 recognizing that it was not a supervisory component, 3 because in the organization, a supervisory component 4 can really be an in-level -- within-level promotion. 5 So it still could have had a -- it could have been a 6 promotion opportunity for them even though their 7 level would have been the same.</p> <p>8 Q. But had those two been selected, they would have 9 retained their 7th level position?</p> <p>10 A. Yes.</p> <p>11 Q. And then you just indicated that if they were still 12 -- if they were still interested in the position, 13 did either the white female or the white male, the 14 second and third choices, indicate to you during 15 their interview process that they were no longer 16 interested in the position?</p> <p>17 A. They did not indicate that to me.</p> <p>18 Q. And if either one of those 7th level individuals had 19 accepted the position or had been offered the 20 position that Ms. James was offered, their title 21 would have been different, correct?</p> <p>22 A. Their title would have been commensurate with the 23 title that was appropriate for the level, but they 24 still would have been, in essence, a salaried 25 personnel representative without the supervisory</p>	<p>72</p> <p>1 simply laterally move from one area of work, you 2 know, to the HR area of work.</p> <p>3 Q. Were there any discussions about the other 4 candidates who were 7th level candidates as to 5 whether it would have been a lateral move or a 6 promotion?</p> <p>7 A. There was not discussion. It's just an understood 8 fact that if they were 7th level and they were 9 selected, it's understood that because that job in 10 the organization can be performed at both 6th and 11 7th level, that they would have retained their 12 level. They would be doing the work.</p> <p>13 What was understood by them though -- 14 because, again, 7th level can receive a promotion 15 within 7 if they go to a supervisory status. That's 16 why it was very important that they knew people who 17 were already 7, that if you accept this job, it's 18 not going to have a supervisory component. 19 Experienced seasoned people in the organization 20 understand that automatically to mean there won't be 21 any money changing if I took this job, because I 22 won't be a supervisor which pays more money than 23 just 7th level does or potentially can pay more 24 money than 7th level does.</p> <p>25 Q. So there was an understanding that if one of the 7th</p>
<p>71</p> <p>1 component.</p> <p>2 Q. They would have had the same job duties but a 3 different title?</p> <p>4 A. They would have had the same job duties.</p> <p>5 Q. Different title, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Would be earning a 7th level pay, correct?</p> <p>8 A. Their pay would have been established at the level 9 that they had coming into the job.</p> <p>10 Q. And just so I understand, a 6th level person being 11 paid at the 6th level, are they paid less than 12 somebody at a 7th level?</p> <p>13 A. They could be.</p> <p>14 Q. So the levels overlapped to some extent?</p> <p>15 A. There could be some overlap, yes.</p> <p>16 Q. Did you have any input or understanding of what the 17 pay would have been for the position had a 7th level 18 been selected?</p> <p>19 A. I didn't focus on pay at all. That was basically an 20 area that once a selection is made and you're 21 getting ready to look at the demographic sheet, it 22 just depends on who you select for the job in terms 23 of whether or not there is even going to be a pay 24 change. If it's a lateral move, there would not be 25 a pay change for the individual. They would just</p>	<p>73</p> <p>1 level people were selected for the position that 2 they wouldn't have received a pay increase?</p> <p>3 A. We never discussed it. No one in the interview 4 discussed pay. And I don't want to presume what was 5 in their minds, but people who have been around in 6 the organization, you know, if I had to guess and I 7 don't want to do that, but I would think that's what 8 they understood.</p> <p>9 Q. How about your understanding? Did you understand 10 that if a 7th level had been selected, it was going 11 to be no promotion, no pay increase, if they were 12 selected for the position?</p> <p>13 A. As long as the supervisory component would have 14 absolutely been dissolved in that job, yes, I 15 understood that.</p> <p>16 Q. At the time you're interviewing people, you 17 understood that the supervisory position was being 18 taken away?</p> <p>19 A. Not only did I understand it, but I informed every 20 interviewee of that fact.</p> <p>21 Q. So based on your prior answer, because you already 22 knew the supervisory position was being taken away, 23 any 7th level person that applied would have 24 retained their 7th level without receiving a pay 25 raise?</p>

1 between January, she's involved with Frank.
2 Subsequent to that, the compensation time comes.
3 And within a couple of months, we have a plant
4 manager that's transitioned, a whole new vision is
5 coming to the plant.

6 So I don't know. It seems as there wasn't
7 anything that she was prevented from doing, but
8 through the course of those things that I've
9 explained to you, she was involved -- getting more
10 involved in the joint training aspects of her job by
11 the time I left.

12 MR. WINCHESTER: I was going to offer an
13 image that might help. The back burner image, if
14 something were on the back burner, it's still on the
15 stove, but it's still on the back burner. I don't
16 know if that helps counsel to get the picture.

17 BY MS. VITALE:

18 Q. Is that basically what you're saying?

19 A. That's kind of what I'm saying, yes.

20 Q. So by the time you left, you were -- Edith was to --
21 she was gradually moving into more and more training
22 responsibilities; is that correct?

23 A. Yes, as I saw it. I was still getting quite a few
24 complaints, you know, from other areas of the
25 organization. Those were ones that I was aware of.

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1 A. -- responsibilities prior to Edith coming into that
2 job.
3 Q. Right. Other than Sheri Rice, did you ever discuss
4 with Edith -- other than the assistance of Sheri
5 Rice, did you ever discuss with Edith whether or not
6 she needed assistance in other areas of her job?
7 A. You saying assistance or you mean help and support
8 and knowing how to execute?

9 Q. An assistant like Sheri Rice, somebody to assist her
10 or whether some of those job duties should be
11 modified to a different position or someone else.

12 A. Basically, no, we didn't discuss that.

13 Q. Do you know if Ms. James' gender or race played any
14 role in her selection for the position?

15 A. Not at all.

16 Q. Who advised Ms. James she was selected for the
17 position?

18 A. I did.

19 Q. Did you discuss with her her salary at that point?

20 A. No, I did not.

21 Q. Do you know when that was you informed Ms. James she
22 was selected?

23 A. You mean specific date?

24 Q. Or around what time. Was it in December of 2000?

25 A. It was in December.

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1 I wasn't sitting in the office with Edith, so I
2 can't speak for people who might have gone directly
3 to complain to her. She wasn't very communicative
4 or forthcoming to me. Jane or John Doe came in to
5 complain. There were some things I found out after
6 the fact that a particular manager had been in her
7 office directly, and invariably those were times
8 when even after they had been in, something still
9 didn't get done or didn't get done timely enough.
10 Eventually I would get involved. Or there might be
11 some managers that called me up directly and would
12 complain.

13 I'm looking at an employee then in a
14 position, and by that time, the learning curve in
15 some areas should have flattened, and yes, we could
16 have consolidated these jobs and began to move into
17 some areas where I knew training had to go, but she
18 was still trying to master the components that are
19 the most critical daily aspects of the job.

20 Q. Did you ever discuss with Ms. James determining if
21 she needed any assistance other than Sheri Rice?

22 A. If she needed assistance?

23 Q. In her job duties.

24 A. Well, Sheri Rice was performing --

25 Q. Right, other than Sheri Rice.

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1 Q. Did you ever have any discussion with Ms. James
2 about her salary?

3 A. It was after Edith was on the job a couple of days.
4 I mean maybe a week. I'm not sure.

5 Q. Can you tell me about that discussion?

6 A. Edith and Frank came into my office. Let me back up
7 a little bit here. There had been -- we have a
8 plant newspaper, and the editor of that newspaper
9 was going to put an article in about Edith's move,
10 and so she went to Edith to get information from her
11 to put into the article. And Edith had enlisted a
12 title of what she was that was surprising to the
13 plant editor. So the plant editor came into my
14 office and said, You know, I want to print this
15 article, but Edith has a title that I didn't realize
16 it is -- that it is what is stated here, and you
17 know, would you just take a look at this article for
18 content and for correctness. And so I did. And it
19 was -- I can't exactly remember, but it had to do
20 with administrator of salaried personnel activities.
21 And so it was a little curious to me at that point
22 why that would be the case, and I thought, Well,
23 maybe she just doesn't know what the actual title of
24 the job is.

25 So I said, I'll talk to her. And I had

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<p>1 say that word, I like that word, because you know, 2 it means that someone is confident. I really wanted 3 her to know, you know, what she could expect, that 4 you're going to come and you're going to find a 5 completely set of experiences that you haven't 6 experienced before.</p> <p>7 Q. Did you think -- I'm sorry.</p> <p>8 A. So I did tell her that she wasn't -- that -- I 9 didn't -- I don't think I said, "You're not my first 10 pick." I don't think I said that. I think what I 11 said to her was that there was someone in the 12 interview mix who could actually come in and perform 13 the duties that Frank was performing right now, but 14 because of our cost reductions and our restraints in 15 adding new people, that is not an option available 16 to us.</p> <p>17 I said, So what that did was it made us 18 look a lot more closely at our internal candidates. 19 And I tried to be as upbeat as I could about that.</p> <p>20 Q. Did you think when you told Ms. James or advised her 21 there was someone more qualified for the position 22 that she may not have accepted the position?</p> <p>23 MR. WINCHESTER: Objection, calls for 24 speculation.</p> <p>25 THE WITNESS: Go ahead and answer.</p>	<p>110</p> <p>1 THE WITNESS: And I said no, I didn't. 2 Edith had interviewed for a position that I had 3 previously posted just four months prior, and I knew 4 she was certainly interested in working in the human 5 resource department.</p> <p>6 MS. VITALE: We can take a break then. 7 (Break was taken.)</p> <p>8 BY MS. VITALE:</p> <p>9 Q. Do you know if Delphi was looking for a female or a 10 minority to fill the modified salary personnel 11 position?</p> <p>12 MR. WINCHESTER: Objection, asked and 13 answered.</p> <p>14 THE WITNESS: No, I don't.</p> <p>15 BY MS. VITALE:</p> <p>16 Q. You indicated -- Strike that.</p> <p>17 Did you tell Edith James that the modified 18 salary personnel position she was placed in was a 19 developmental opportunity for her?</p> <p>20 A. Are you asking did I use the word "developmental"?</p> <p>21 Q. Did you tell her it was a developmental opportunity?</p> <p>22 A. I told her it was an opportunity that she could grow 23 into and to be developed</p> <p>24 (Exhibit J marked.)</p> <p>25 BY MS. VITALE:</p>
<p>1 THE WITNESS: You said if I had told her 2 what now?</p> <p>3 BY MS. VITALE:</p> <p>4 Q. When you told Ms. James that there was someone in 5 the interview process that was more qualified for 6 the position, did you think that she may not have 7 accepted the position?</p> <p>8 A. Do I think that when I told her? Oh, no, I didn't 9 -- I didn't think that that -- I thought it fair 10 just to tell her.</p> <p>11 Q. Do you know if the committee, the Delphi management 12 committee, which I believe you --</p> <p>13 MR. WINCHESTER: The core group?</p> <p>14 MS. VITALE: The core group, yes, thank 15 you.</p> <p>16 THE WITNESS: One other thing, let me back 17 up. I want to be sure I understood your question in 18 the way I answered it, because I want to be sure I 19 was answering the question that you asked. Could 20 she --</p> <p>21 MR. WINCHESTER: Read back the question.</p> <p>22 THE WITNESS: -- read back that question 23 again?</p> <p>24 (Court reporter read back previous 25 question.)</p>	<p>111</p> <p>1 THE WITNESS: You said if I had told her 2 what now?</p> <p>3 BY MS. VITALE:</p> <p>4 Q. When you told Ms. James that there was someone in 5 the interview process that was more qualified for 6 the position, did you think that she may not have 7 accepted the position?</p> <p>8 A. Do I think that when I told her? Oh, no, I didn't 9 -- I didn't think that that -- I thought it fair 10 just to tell her.</p> <p>11 Q. Do you know if the committee, the Delphi management 12 committee, which I believe you --</p> <p>13 MR. WINCHESTER: The core group?</p> <p>14 MS. VITALE: The core group, yes, thank 15 you.</p> <p>16 THE WITNESS: One other thing, let me back 17 up. I want to be sure I understood your question in 18 the way I answered it, because I want to be sure I 19 was answering the question that you asked. Could 20 she --</p> <p>21 MR. WINCHESTER: Read back the question.</p> <p>22 THE WITNESS: -- read back that question 23 again?</p> <p>24 (Court reporter read back previous 25 question.)</p> <p>112</p> <p>1 THE WITNESS: And I said no, I didn't. 2 Edith had interviewed for a position that I had 3 previously posted just four months prior, and I knew 4 she was certainly interested in working in the human 5 resource department.</p> <p>6 MS. VITALE: We can take a break then. 7 (Break was taken.)</p> <p>8 BY MS. VITALE:</p> <p>9 Q. Do you know if Delphi was looking for a female or a 10 minority to fill the modified salary personnel 11 position?</p> <p>12 MR. WINCHESTER: Objection, asked and 13 answered.</p> <p>14 THE WITNESS: No, I don't.</p> <p>15 BY MS. VITALE:</p> <p>16 Q. You indicated -- Strike that.</p> <p>17 Did you tell Edith James that the modified 18 salary personnel position she was placed in was a 19 developmental opportunity for her?</p> <p>20 A. Are you asking did I use the word "developmental"?</p> <p>21 Q. Did you tell her it was a developmental opportunity?</p> <p>22 A. I told her it was an opportunity that she could grow 23 into and to be developed</p> <p>24 (Exhibit J marked.)</p> <p>25 BY MS. VITALE:</p>

<p>1 could grow to perform the duties of that job.</p> <p>2 Q. Other than Sheri Rice, was there ever any</p> <p>3 discussions of anyone else -- and this is before Ms.</p> <p>4 James stepped into the job -- was there any</p> <p>5 discussion of anyone else assisting in some of the</p> <p>6 job duties that were going to be assumed by the new</p> <p>7 modified salaried personnel position?</p> <p>8 A. No.</p> <p>9 Q. Do you know if Ms. James is still in the salaried</p> <p>10 personnel position?</p> <p>11 A. I understand she's not in that position.</p> <p>12 Q. Do you know, did anyone talk to you other than your</p> <p>13 counsel back in January of 2002 about Edith being in</p> <p>14 the salaried personnel position?</p> <p>15 A. I've spoken to no one about Edith being in the</p> <p>16 position.</p> <p>17 Q. Prior to Ms. James' third personal -- the third</p> <p>18 phase of the personal business plan, did you talk to</p> <p>19 Jim Barr?</p> <p>20 A. I'm sorry.</p> <p>21 Q. Did you talk to Jim Barr about the Phase 3</p> <p>22 evaluation of Ms. James?</p> <p>23 A. No, I did not.</p> <p>24 Q. Did you provide Ms. James with any training for the</p> <p>25 HR position or the salaried personnel position?</p>	<p>118</p> <p>1 that she was doing in Vandalia. Sandy was agreeable</p> <p>2 to that, so then it was a matter of scheduling.</p> <p>3 In addition, there was some EEO training,</p> <p>4 AAP training, more specifically AAP training that</p> <p>5 our corporate interface, Natalie Truchart, in</p> <p>6 conjunction with -- I think it was Optimum Services</p> <p>7 provided. This was some on-line training. It</p> <p>8 consisted of maybe a day or two through net meeting,</p> <p>9 if you're familiar with net meeting. And for some</p> <p>10 portions of that training, I was able to sit in with</p> <p>11 Edith when that training materialized.</p> <p>12 Those were some training opportunities that</p> <p>13 we had discussed.</p> <p>14 Q. I don't think that answered my question. Did you</p> <p>15 personally provide any training to Ms. James?</p> <p>16 A. I specifically sat and discussed the affirmative</p> <p>17 action program with her and provided some exposure.</p> <p>18 I don't want to call it training, but it's certainly</p> <p>19 dialoguing and instructing and then trying to</p> <p>20 solicit feedback from her where -- you know, where,</p> <p>21 if any, there were gaps in what I had conveyed to</p> <p>22 her.</p> <p>23 Q. And you indicate there was -- Ms. James received</p> <p>24 some training from Mr. Cerny and you had secured Ms.</p> <p>25 James off the floor. Do you know if Ms. James</p>
<p>119</p> <p>1 A. Certainly the first round of training was to sit</p> <p>2 with Frank Cerny for 30 days, so I was able to</p> <p>3 secure her off the floor. Whether there was a</p> <p>4 backfill for Edith at the time in manufacturing was</p> <p>5 not the point of focus. We had to get her with</p> <p>6 Frank, so that was the first round of training that</p> <p>7 was provided. The job is basically an on-the-job</p> <p>8 training kind of position. Beyond that, her</p> <p>9 training would be continuous as she performed the</p> <p>10 work and consulted with the subject matter experts</p> <p>11 either right at the plant.</p> <p>12 I could have potentially been a source of</p> <p>13 information for her on some of the job duties, and I</p> <p>14 made sure that she understood that she could come to</p> <p>15 me particularly in areas that I performed before</p> <p>16 like EEO and AAP kinds of matters.</p> <p>17 Frank retired really assuring both myself</p> <p>18 and Edith that he would be available for any</p> <p>19 contacts that she would subsequently make.</p> <p>20 In addition, she had an opportunity</p> <p>21 certainly to rely on her corporate interface as</p> <p>22 issues begin to materialize, and there were trouble</p> <p>23 spots for Edith, I contacted Sandy Swanson and asked</p> <p>24 if she could provide some training, certainly</p> <p>25 discuss areas that were directly related to the job</p>	<p>121</p> <p>1 provided any training to her successor during that</p> <p>2 time period?</p> <p>3 A. I was not aware if she did, but that wasn't an</p> <p>4 expectation that I had. Frank was really more day</p> <p>5 to day in control of their training, and I pretty</p> <p>6 much, you know, left it to him to do.</p> <p>7 Edith may have felt that she needed to go</p> <p>8 back on the floor. And that's not uncommon that the</p> <p>9 incumbent person if asked to come back, you know, if</p> <p>10 there was an issue, but to my knowledge, it may have</p> <p>11 just been to go back if at all but nothing that was</p> <p>12 set up formally like that.</p> <p>13 Q. And you also indicated that Ms. James had --</p> <p>14 position was learned while she was doing it, kind of</p> <p>15 on-the-job learning experience, correct?</p> <p>16 A. The bulk of that job is.</p> <p>17 Q. And you also indicated there was a net meeting I</p> <p>18 believe on EEO and AAP?</p> <p>19 A. Yes.</p> <p>20 Q. Now, Ms. James attended a net meeting; is that</p> <p>21 correct?</p> <p>22 A. It was in her office.</p> <p>23 Q. Would this training information be on Ms. James'</p> <p>24 training records?</p> <p>25 A. You know, I don't remember if there was a CTIS</p>

<p>1 unfinished PBP business Does that mean personal 2 business plan business? 3 A. Yes. 4 Q. Please review the final. If no further discussion 5 is necessary, it needs to be housed in the record. 6 Do you recall what personal business plan business 7 this was regarding? 8 A. Yes. When I -- before I left the Columbus plant, I 9 had a handwritten document when you go in to sit in 10 and discuss the Phase 2. You basically hopefully 11 mutually agree as to what you are recognizing as a 12 supervisor in terms of the employee's progress and 13 that they're also on board with that. 14 I was also in the process of transitioning, 15 you know, from the Columbus plant, but it was a task 16 that I obviously needed to finish. So I made sure 17 that I sat down and manually went through and 18 discussed with every person directly their personal 19 business plan, but by the time that I was able to 20 formalize it, type it, get it into the system, I had 21 actually already transferred to my new job, and I no 22 question wanted to be sure that what we had mutually 23 agreed to in writing which would have been my 24 document at that point that it was absolutely 25 captured the way that it should be based on our </p>	<p>138</p> <p>1 evaluation? 2 A. Made sure that Edith knew every time I received a 3 complaint from the organization. I also made sure 4 that if I observed something directly, I gave 5 immediate feedback, but I also gave feedback when I 6 had observations that my employees did something 7 favorable as well. So performance feedback was a 8 frequent thing that I tried to do. 9 Q. Did you discuss with Ms. James that at any time up 10 to and including when you gave her her Phase 2 11 evaluation that if she did not improve in the 12 position she would have to be moved from the 13 position? 14 A. I don't recall any discussion like that. 15 Q. Did you ever deny Ms. James an ability to obtain job 16 training? 17 MR. WINCHESTER: Objection, vague. Go 18 ahead and answer. 19 THE WITNESS: You know, could you be more 20 specific about ... 21 BY MS. VITALE: 22 Q. Any job training 23 A. There is no training that I recall denying Edith, 24 especially that which would have helped her in any 25 way to perform that job to the best of her ability. </p>
<p>139</p> <p>1 prior discussion. 2 Q. So when you discussed the Phase 2, the personal 3 business plan, with Ms. James and you say that was 4 prior to your leaving Delphi Columbus, you had 5 handwritten in your comments and your evaluation; is 6 that correct? 7 A. Yes. 8 Q. So this e-mail, Exhibit M, refers to your typing in 9 into the personal business plan form the -- what you 10 had discussed with Ms. James? 11 A. That's correct. 12 Q. So did you ever discipline Ms. James? 13 A. Discipline? 14 Q. I guess formally, you know, discipline her for 15 anything. Or first let me back up. 16 Is there a disciplinary process or 17 procedure within Delphi that you're aware of? 18 A. There's a disciplinary process for hourly employees 19 as it specifically relates to the contract. It's a 20 progressive disciplinary process. 21 Q. So anything for salaried employees? 22 A. There is no disciplinary process for salaried 23 employees. 24 Q. Did you ever discuss with Ms. James problems with 25 her job performance prior to this Phase 2 </p>	<p>141</p> <p>1 Q. Other than the training you sought out with Sandy 2 Swanson for Ms. James, did you seek out any 3 additional training for Ms. James? 4 A. There wasn't training, per se. I did want her to 5 certainly visit other sites, I did want her to visit 6 our corporate offices so that they could put a face 7 with a name, and people that she would be 8 interfacing with she could also obviously get to 9 know a little better than on the phone. 10 Q. Do you know if Ms. James ever visited other sites or 11 a corporate office? 12 A. I think she visited Vandalia. She did finally 13 coordinate a date with Sandy Swanson. 14 Q. So Ms. James coordinated the date to visit the 15 Vandalia site and speak with Ms. Swanson? 16 A. Well, I was in Edith's office when we called Sandra 17 Swanson. As I recall, this may have been around the 18 merit time and maybe sometime after where we asked 19 Sandra would she be willing to sit with Edith and 20 just discuss some of the basic areas where Edith was 21 experiencing some -- you know, the trouble spots. 22 Q. Is this the same conversation you described earlier 23 with Ms. Swanson in providing Ms. James with the 24 half-day training? 25 A. I don't recall us talking about that earlier, but a </p>

<p>142</p> <p>1 half day, I don't recall us talking about a half-day 2 training earlier.</p> <p>3 Q. I think earlier you -- Well, strike that 4 Is this the only time Ms. James went to the 5 Vandalia plant to your knowledge?</p> <p>6 A. To my knowledge, that's the only time.</p> <p>7 Q. And this is the only time Ms. James went to receive 8 training from Ms. Swanson? Is that correct to your 9 knowledge?</p> <p>10 MR. WINCHESTER: Make it clear. You mean 11 physically went to receive training? Is that what 12 you're saying?</p> <p>13 MS. VITALE: Yes.</p> <p>14 THE WITNESS: To my knowledge.</p> <p>15 BY MS. VITALE:</p> <p>16 Q. Do you know what -- how long Ms. James was in the 17 Vandalia plant to receive training?</p> <p>18 A. I don't know for sure.</p> <p>19 Q. Do you know what areas Ms. James received training 20 from Ms. Swanson at the Vandalia plant? And I'm 21 talking specifically when Ms. James went to the 22 Vandalia plant.</p> <p>23 A. I don't know. I mean, there wasn't anything that I 24 saw in writing or anything.</p> <p>25 Q. Do you have any idea of what Ms. James and Ms.</p>	<p>144</p> <p>1 "outside training," I mean something outside the 2 Delphi facilities -- did she need to request 3 permission from you?</p> <p>4 A. Yes.</p> <p>5 Q. Have you ever denied any of your employees the 6 ability to receive training?</p> <p>7 A. Have I denied them the ability to receive training?</p> <p>8 Q. Right.</p> <p>9 MR. WINCHESTER: Can we clarify that? You 10 mean denied requests?</p> <p>11 MS. VITALE: Right.</p> <p>12 THE WITNESS: I can't specifically recall 13 denying a request to receive training, no. (Exhibit N marked.)</p> <p>15 BY MS. VITALE:</p> <p>16 Q. Why don't I show you what's been marked as Exhibit 17 N. Can you tell me what this is?</p> <p>18 MR. WINCHESTER: Let me insert an objection 19 there. I think that we've sort of established this 20 document was completed after Ms. Woolridge left 21 Columbus. I just wanted to insert that objection 22 for the record.</p> <p>23 THE WITNESS: This document is the personal 24 business plan it appears for Edith James subsequent 25 to the third phase of the personal -- of the</p>
<p>143</p> <p>1 Swanson discussed regarding the IIR position?</p> <p>2 A. The position itself, the duties associated with it.</p> <p>3 Q. So what's your understanding of the training Ms. 4 James was to receive from Ms. Swanson?</p> <p>5 A. Primarily the duties associated with the salaried 6 personnel rep responsibilities of the job.</p> <p>7 Q. Do you know if this related to any EEO or AAP 8 training?</p> <p>9 A. I don't know for sure.</p> <p>10 Q. Do you know if Ms. James ever visited corporate 11 offices?</p> <p>12 A. That visit to my knowledge never materialized.</p> <p>13 Q. Do you know why?</p> <p>14 A. I think a couple of reasons that I know. Beyond 15 that, I had basically communicated to our corporate 16 offices that I would like Edith to visit the 17 salaried manager in charge at the time herself was 18 on a special assignment. I think the visit was -- 19 it was not intended to be set up within the first 30 20 days, because we needed her to be with Frank. 21 Following that, it was just tough to schedule it as 22 I recall.</p> <p>23 Q. If Ms. James wanted any training whether, you know, 24 at corporate office or to visit another Delphi plant 25 or to receive even an outside training -- and by</p>	<p>145</p> <p>1 performance plan.</p> <p>2 BY MS. VITALE:</p> <p>3 Q. So this is the completed personal business plan for 4 Ms. James all three phases, correct?</p> <p>5 A. It appears so.</p> <p>6 Q. Did you other than Phase 1 and Phase 2 which we 7 already spoke about -- did you have any input into 8 Phase 3 or any of the Phase 3 portions of this?</p> <p>9 A. I had no input.</p> <p>10 Q. Mr. Barr didn't talk to you about this evaluation or 11 Ms. James following your leaving Delphi Columbus?</p> <p>12 A. No, he did not.</p> <p>13 Q. Did you have any input into Ms. James being removed 14 from the position?</p> <p>15 A. No, I did not.</p> <p>16 Q. Did you ever discuss possibly removing Ms. James 17 from the position with anyone prior to your leaving 18 Delphi Columbus?</p> <p>19 A. Did I?</p> <p>20 Q. Discuss removing Ms. James from the position with 21 anyone prior to your leaving?</p> <p>22 A. No, I did not.</p> <p>23 Q. How about after you left Delphi Columbus?</p> <p>24 A. No, I did not.</p> <p>25 Q. Have you ever reviewed this Exhibit N?</p>

1 IN THE COURT OF COMMON PLEAS
2 FRANKLIN COUNTY, OHIO
3 ---

4 Edith C. James, :
5 Plaintiff, :
6 vs. : Case No. 03CVH02-02213

7 Delphi Automotive :
8 Systems, et al., :
9
10 Defendants. :
11 ---

12 DEPOSITION
13 of Marcia Brown, a witness herein, taken before
14 me, Kendra E. Johnston, a Notary Public in and
15 for the State of Ohio, at the offices of Jones
16 Day, 41 South High Street, Columbus, Ohio, on
17 Wednesday, December 10, 2003, at 9:30 a.m.
18 ---
19
20

21 Armstrong & Okey, Inc.
22 185 South Fifth Street, Suite 101
23 Columbus, Ohio 43215
24 (614) 224-9481 - (800) 223-9481
25 Fax - (614) 224-5724
26 ---

1 Wednesday Morning Session,
2 December 10, 2003.
3 ---

4 STIPULATIONS

5 It is stipulated by and between counsel
6 for the respective parties that the deposition
7 of Marcia Brown, a witness herein, called by the
8 Plaintiff under the applicable Rules of Civil
9 Procedure, may be taken at this time and reduced
10 to writing in stenotypy by the Notary, whose
11 notes thereafter may be transcribed out of the
12 presence of the witness; and that proof of the
13 official character and qualification of the
14 Notary is waived; that the examination, reading
15 and signature of the said Marcia Brown to the
16 transcript of her deposition are waived by
17 counsel and the witness; said deposition to have
18 the same force and effect as though signed by
19 the said Marcia Brown.
20 ---
21
22
23
24

2
1 APPEARANCES:
2 Cooper & Elliott
3 By Sheila P. Vitale
4 2175 Riverside Drive
5 Columbus, Ohio 43221
6
7 On behalf of the Plaintiff.

1 MARCIA BROWN
2 being by me first duly sworn, as hereinafter
3 certified, deposes and says as follows:
4 EXAMINATION
5 By Ms. Vitale:
6 Q. Good morning, Ms. Brown. Could you
7 please state your full name and your -- are you
8 working?

9 A. No.
10 Q. And your home address then for the
11 record.

12 A. Marcia L. Brown, 5540 Echo Road,
13 Columbus 43230.

14 Q. And you already indicated you are
15 not working. You're retired?

16 A. Well, I am working. I have a
17 nine-month-old granddaughter I'm taking care of.

18 Q. That is work.

19 A. Yes.

20 Q. I have a six-month-old, so I
21 understand.

22 A. Okay. So you understand that.

23 Q. Ms. Brown, I represent Edith James
24 in this litigation, and I'm going to go through

25

27

1 A. Well, I think it was assumed within
2 the committee.

3 Q. Okay. And at one point in time you
4 were reassigned out of the personnel department,
5 and I think you described it as the business
6 unit 3 office manager position?

7 A. Yes.

8 Q. And you indicated that you were
9 transferred to that position; correct?

10 A. Yes.

11 Q. Was that a voluntary transfer or
12 were you just told you were being transferred?

13 A. It was not voluntary.

14 Q. There came a point in time where
15 Frank Cerny was retiring; correct?

16 A. Right.

17 Q. And I believe the testimony has been
18 that he made that announcement known around
19 November of 2000. Does that sound correct?

20 A. Yes.

21 Q. At some point in time did you find
22 out or were you advised that the salaried
23 personnel rep position that you held was going
24 to be consumed by Mr. Cerny's successor?

1 A. I was not actually told that at
2 first. They were talking about -- they were
3 talking about they may have to eliminate the
4 job, that they may go down to one person.

5 Q. Do you recall when those
6 conversations occurred?

7 A. I really don't recall when because
8 we were going through so much stuff and we were
9 just kind of talking back and forth. It was --
10 it was after he officially told us that he was
11 going to retire, but I just don't remember
12 exactly when.

13 Q. Was it before you were reassigned?

14 A. Oh, yes.

15 Q. And how were you told that you were
16 being reassigned?

17 A. I believe -- let's see. Who told
18 me. You have to understand that, being in that
19 department, we talked, and you hear things all
20 the time, and so to actually have somebody
21 actually just sit down and tell you, it's -- I
22 really think that Loretta told me that they were
23 going to split up the job, but this was -- this
24 was after -- boy, the times are -- I believe it

1 was after they had decided who was going to do
2 the job.

3 Q. It was after Edith James was
4 selected to fill Frank Cerny's position?

5 A. I think so. But they didn't
6 announce who it was, who was going to take it.
7 I didn't know who it was.

8 Q. So it was after the selection was
9 made?

10 A. Yes, to the best of my memory.

11 MR. WINCHESTER: Take a quick
12 break?

13 MS. VITALE: Sure.
14 (Recess taken.)

15 Q. You'd indicated that you were told
16 that the position you were in, salaried
17 personnel rep, was being eliminated and that was
18 sometime after the selection was made; is that
19 correct?

20 MR. WINCHESTER: Objection. I think
21 that mischaracterizes the testimony. I think
22 she said that they talked about it before. I'm
23 not sure. I just think it mischaracterizes the
24 testimony. Go ahead.

26

28

1 A. I was not actually told that at
2 first. They were talking about -- they were
3 talking about they may have to eliminate the
4 job, that they may go down to one person.

5 Q. Do you recall when those
6 conversations occurred?

7 A. I really don't recall when because
8 we were going through so much stuff and we were
9 just kind of talking back and forth. It was --
10 it was after he officially told us that he was
11 going to retire, but I just don't remember
12 exactly when.

13 Q. Was it before you were reassigned?

14 A. Oh, yes.

15 Q. And how were you told that you were
16 being reassigned?

17 A. I believe -- let's see. Who told
18 me. You have to understand that, being in that
19 department, we talked, and you hear things all
20 the time, and so to actually have somebody
21 actually just sit down and tell you, it's -- I
22 really think that Loretta told me that they were
23 going to split up the job, but this was -- this
24 was after -- boy, the times are -- I believe it

1 Q. Is that the best of your
2 recollection, that you found out that your
3 position was being eliminated after the
4 selection was made?

5 A. I think officially, but it wasn't
6 surprise surprise. We had discussed that it
7 could be.

8 Q. It could be?

9 A. Uh-huh.

10 Q. Okay. But it wasn't a definite,
11 your position is being --

12 A. Well, I didn't feel it was definite
13 until they told me I was moving.

14 Q. Okay. And you had applied for Frank
15 Cerny's position; is that correct?

16 A. Uh-huh, yes.

17 Q. And were you still within the HR
18 department when Ms. James assumed her HR
19 position?

20 A. I was still there when she trained,
21 when she was in training.

22 Q. So the month of January of 2001, you
23 were still in the HR department?

24 A. Right.

1 **Q. Do you recall what month that you
2 moved to business unit 3?**

3 A. I thought it was March. It might
4 have been part of February into March.

5 **Q. And when did Frank Cerny completely
6 retire and actually leave Delphi? Do you
7 recall?**

8 A. I'm trying to think of the effective
9 date of his retirement, because he had vacation
10 prior to the effective date.

11 **Q. Okay.**

12 A. So it might have been in February
13 when he left. I'm not -- I think his retirement
14 might have been effective April 1st. I'm not
15 sure.

16 **Q. But he took some vacation time
17 before that?**

18 A. Right. It was either April 1st or
19 March 1st, and he had vacation time.

20 **Q. Do you know when his last day
21 actually physically at Delphi or he was
22 physically there before he took his vacation and
23 retired?**

24 A. Well, I was downstairs when he was

1 A. Self-nomination form.

2 **Q. And this is for Mr. Cerny's former
3 position?**

4 A. Yes.

5 **Q. And this is a position you applied
6 for?**

7 A. Yes, it is.

8 **Q. Did you review this posting before
9 you applied for the position?**

10 A. Yes.

11 **Q. And when you applied for the
12 position, what was your understanding of what
13 the job title you were applying for would be?**

14 A. Supervisor, Salaried Personnel
15 Administration.

16 **Q. And what was the position code that
17 you understood you were applying for?**

18 A. 7P21.

19 **Q. And when you applied, you understood
20 that it was a 7th level position you were
21 applying for?**

22 A. Yes.

23 **Q. Were you interviewed for this
24 position?**

1 A. Still working. I think his was March 1st, so it
2 was sometime in February.

3 **Q. And was Sherry Rice in the HR
4 department while you were in the HR department?**

5 A. No. She came in right after I left,
6 I mean officially she came in.

7 **Q. Unofficially was she doing
8 something?**

9 A. Well, she might have been in there
10 for me to tell her where things were. I'm not
11 sure of that. I know she didn't officially
12 start until after I left.

13 **Q. And you indicated that three months
14 after you moved down to business unit 3, you
15 retired; correct?**

16 A. Right.

17 **Q. Was that a voluntary early
18 retirement?**

19 A. Yes.

20 **Q. I'm going to show you what was
21 previously marked in a deposition as Exhibit D.
22 Do you recognize what this is?**

23 A. Yes.

24 **Q. What is this?**

1 A. Yes, I was.

2 **Q. Who interviewed you?**

3 A. Loretta.

4 **Q. What do you recall of the interview
5 with Loretta?**

6 A. Well, she talked about the job as it
7 is. You know, there again, I knew a lot of this
8 stuff, so I don't know -- I can't remember
9 exactly what she did say because I worked in
10 there, in that area.

11 **Q. You indicated that she talked about
12 the job as it was, and would those be the key
13 elements and qualifications that are listed in
14 this posting?**

15 A. Yes.

16 **Q. Did she discuss with you any
17 education and training responsibilities?**

18 A. I don't know because I can't
19 remember when that came up, when I found out
20 that education and training was going to be
21 involved. I really don't remember the timing.

22 **Q. So it could have been before the
23 interview?**

24 A. It could have been. I know at the

33

35

1 time that we were going through a lot of
 2 changes. I knew there were going to be a lot of
 3 changes in the department. I didn't know what,
 4 but, you know, they talked about -- Frank talked
 5 about that there would be some changes, and
 6 what's fuzzy is that I don't know whether it was
 7 before this interview or after or during, you
 8 know. This has been two years ago.

9 **Q. And during that interview, was it**
 10 **told that it would not be a supervisory**
 11 **position? Do you recall that?**

12 A. No, it wasn't told to me that it
 13 wouldn't be.

14 **Q. Okay.**

15 A. See, my understanding is that it was
 16 going to be 7P21, and I believe the 7P21 is a
 17 supervisor, salaried personnel, so one goes with
 18 the other. So I just -- when I saw the position
 19 code, and I knew that was what Frank was, that
 20 then I thought that's what it would be.

21 **Q. Okay. And during your interview**
 22 **with Ms. Woolridge, it didn't come up that you**
 23 **were not interviewing for a 7P21 supervisor**
 24 **position?**

1 talk about the job being eliminated. I'm pretty
 2 sure. I think I was just in there about
 3 accepting this job and giving my qualifications
 4 on why I felt I should get it.

5 **Q. And when you said "this job," so the**
 6 **record is clear, you mean the supervisor of**
 7 **salaried personnel job with position code 7P21?**

8 A. Yes.

9 **Q. And at the time you applied for this**
 10 **job, you were a 6th level employee?**

11 A. Yes.

12 **Q. Your position in HR as salaried**
 13 **personnel rep, that was a full-time position;**
 14 **correct?**

15 A. Yes.

16 **Q. And you indicated that there was**
 17 **some discussions going on about changing the**
 18 **structure in the HR department and eliminating**
 19 **some positions and moving some job duties**
 20 **around?**

21 A. Yes.

22 **Q. Do you know why this discussion was**
 23 **going around about modifying the HR department?**

24 MR. WINCHESTER: Objection to the

34

36

1 A. No, it did not come up.

2 **Q. And it also didn't come up in that**
 3 **interview that the position that you held, the**
 4 **salaried personnel rep, was being eliminated?**

5 A. I think we did talk a little bit
 6 about the fact that it was -- that that job
 7 would go out. But, there again, it's cloudy as
 8 to when because Loretta and I talked back and
 9 forth, you know, because that was part of the
 10 job, the communication, and when things would
 11 come up, we talked about it, no specific date or
 12 time. As to whether it was the official
 13 interview, I'm not sure.

14 **Q. Okay. So you don't recall if you**
 15 **were told that your position of salaried**
 16 **personnel rep was eliminated at the interview or**
 17 **after the interview?**

18 A. I'm pretty sure it was not at the
 19 interview. I anticipated it, but it wasn't at
 20 the interview.

21 **Q. Okay. So at the interview, it was**
 22 **still a possibility of your job being**
 23 **eliminated, but you weren't told --**

24 A. That didn't even come up. We didn't

1 extent it calls for speculation. Go ahead.

2 A. Well, I know that they were under a
 3 budget cut, and so all the departments had to
 4 cut and change.

5 **Q. Did anyone come to you and ask for**
 6 **your input as to any HR positions that could be**
 7 **eliminated or modified or removed?**

8 A. No. That gives me a lot of clout.
 9 No. No. Especially since there was only two.
 10 Well, when you say -- and you're saying HR, so
 11 you're talking about just our department.

12 **Q. Right.**

13 A. Just our office.

14 **Q. Right.**

15 A. No.

16 **Q. Did Ms. Woolridge or Mr. Cerny ask**
 17 **you whether you felt that your position as**
 18 **salaried personnel rep could be handled by the**
 19 **salaried personnel administrator, Mr. Cerny?**

20 A. I don't know whether it was ever
 21 formally talked about like that. I knew that
 22 they were eliminating the cars, which took up a
 23 lot of time, but they reduced the car program,
 24 so that is, I guess, one way of cutting back as

41

1 been told about her position code and -- and her
 2 title, and so I said to her that "You should
 3 talk to Frank," and then he would take it -- you
 4 know, then go talk to Loretta. And then it was
 5 soon after that, after her talk is when I found
 6 out that it was going -- her title was going to
 7 be supervisor, salaried -- I mean not
 8 supervisor, but salaried personnel rep, the same
 9 as I was.

10 Q. And by "her," you're meaning Edith
 11 James; correct?

12 A. Yes.

13 Q. But prior to Ms. James having that
 14 conversation with you, did you know that the job
 15 title was modified to be what your former job
 16 title was?

17 A. No.

18 Q. Do you know a person named Michael
 19 Waters?

20 A. Yes.

21 Q. How do you know Michael Waters?

22 A. He took over after Edith left.

23 Q. Were you still with Delphi when
 24 he --

42

1 A. When he took over?

2 Q. Right.

3 A. No. No, because Edith -- I left and
 4 Edith was still in the job.

5 Q. Did you just find out through
 6 friends at Delphi that Mike Waters --

7 A. Well, I knew -- I had heard that a
 8 new person was coming in or to take that job,
 9 and they told me his name, and then I was in the
 10 plant for a retirement party and kind of
 11 introduced myself.

12 Q. Do you know what his job title is?

13 A. If I said what I -- I would be
 14 assuming.

15 Q. Okay.

16 MR. WINCHESTER: So the question is
 17 do you know; right?

18 Q. Yeah. Do you know what it is?

19 A. Not -- no, not really.

20 Q. You said you would assume. What
 21 would you assume his job title would be?

22 MR. WINCHESTER: Objection. Calls
 23 for speculation. Go ahead.

24 A. That it was 7th level.

43

1 Waters.

2 Q. And how did you find that out?

3 A. You know, it's cloudy as to who told
 4 me because it wasn't anybody in that department,
 5 but I know the girl that took -- was going to
 6 take over education and training, and I think
 7 someone else told me that. You know how you
 8 call back in the plant and say "Hey, what's
 9 going on?" That's how I knew that Pat Scott
 10 actually was doing education and training.

11 Q. Did you talk to anybody about your
 12 having to come down here for your deposition
 13 today?

14 A. No. Anybody but --

15 MR. WINCHESTER: Her attorney.

16 THE WITNESS: Yes.

17 Q. And he's your attorney for this
 18 deposition?

19 A. Yes.

20 Q. When you heard about the changes
 21 with the salaried personnel job formerly held by
 22 Mr. Cerny, did you voice any concerns as to the
 23 duties and responsibilities that were now being
 24 put into the position?

44

1 IN THE COURT OF COMMON PLEAS
2 FRANKLIN COUNTY, OHIO
3
4 Edith C. James, :
5 :
6 Plaintiff, :
7 vs. : Case No. 03CVH02-02213
8 :
9 Delphi Automotive :
10 Systems, et al., :
11 Defendants. :
12
13

14 DEPOSITION

15 of Edith C. James, Plaintiff herein, called by
16 the Defendants under the applicable Rules of
17 Civil Procedure, taken before me, JoDell J
18 Siefert, a Notary Public in and for the State of
19 Ohio, at the offices of Cooper & Elliott, LLC,
20 2175 Riverside Drive, Columbus, Ohio, on Friday,
21 October 31, 2003, at 9:00 a.m.
22
23

24
25
26 Armstrong & Okey, Inc.
27 185 South Fifth Street - Suite 101
28 Columbus, Ohio 43215
29 (614) 224-9481 - (800) 223-9481
30 Fax - (614) 224-5724
31
32

33 1 APPEARANCES:
34 Cooper & Elliott, LLC
35 By Ms. Sheila P. Vitale
36 2175 Riverside Drive
37 Columbus, Ohio 43225
38
39 On behalf of the Plaintiff

40 Jones Day
41 By Mr. Jeffrey D. Winchester
42 41 South High Street - Suite 1900
43 Columbus, Ohio 43215
44
45 On behalf of the Defendants.

46 ALSO PRESENT:
47 Mr. James Barr
48
49

50 Friday Morning Session,
51 October 31, 2003.

52 STIPULATIONS

53 It is stipulated by and between counsel
54 for the respective parties that the deposition
55 of Edith C. James, Plaintiff herein, called by
56 the Defendants under the applicable Rules of
57 Civil Procedure, may be taken at this time and
58 reduced to writing in stenotypy by the Notary,
59 whose notes thereafter may be transcribed out of
60 the presence of the witness; and that proof of
61 the official character and qualification of the
62 Notary is waived.

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17

1 know, the pallets would come around and you
 2 would put -- load individual parts on it. So I
 3 was one of the supervisors who is responsible
 4 for type 3. There was another person who was
 5 retiring at the time, so I was going to step in
 6 with him to take over type 3.

7 **Q. How many employees were you
 8 responsible for?**

9 A. On an average we were subassembly
 10 line and the final line, so guessing, trying to
 11 remember, perhaps 25 to 30.

12 **Q. Had you ever worked for Delphi
 13 before that time?**

14 A. No. That was the first time.

15 **Q. I'm sorry?**

16 A. That was the first time.

17 **Q. Had you ever worked for a
 18 manufacturing entity before that time?**

19 A. I had worked a part-time job, a
 20 second job years prior in a facility. You know,
 21 it wasn't the same type of facility. This was
 22 like packing. Packing or assembly for packing
 23 to be shipped out.

24 **Q. Were you a supervisor at that time?**

19

1 A. Yes.

2 **Q. Have you seen this before?**

3 A. Yes, I think so. I think so.

4 **Q. Can you tell me what it is?**

5 A. It's a document that I'm assuming
 6 that once they had gotten the information from
 7 those of us who had applied during the
 8 employment call that they had summarized the
 9 information we submitted on the application or
 10 in the resume to determine whether or not we
 11 actually provided a good fit for the jobs or
 12 positions that were currently available.

13 **Q. After reviewing this document is
 14 there anything on this document that's
 15 inaccurate?**

16 A. No. Not that I can see at this
 17 time, no.

18 **Q. So let's back up a little bit then
 19 in your history. According to this you
 20 graduated with a BA in psychology and a Master's
 21 degree in art education from Ohio State,
 22 correct?**

23 A. The BA in psychology was from Berea
 24 College.

18

1 A. Oh, no. No. It was just an extra
 2 job for like a seasonal thing. No, I was just a
 3 person -- it was through a temporary agency.
 4 You know, you're looking for a second job, you
 5 contact a temporary agency because you know
 6 there's usually short-term employment available.
 7 So I was one of several people who heard the
 8 call during the seasonal period and went to work
 9 for a few weeks.

10 **Q. And can you give me a ballpark about
 11 when that was?**

12 A. Oh, my gosh. I would say late '70s,
 13 possibly early '80s.

14 MR. WINCHESTER: Let's go ahead and
 15 mark this one.

16 (EXHIBIT HEREBY MARKED FOR
 17 IDENTIFICATION PURPOSES.)

18 **Q. Ms. James, I've just handed you a
 19 document that the court reporter has marked as
 20 Exhibit 1. Could you take a moment and review
 21 that document?**

22 **(Recess taken.)**

23 **Q. Okay. Ms. James, have you had a
 24 chance to review Exhibit 1?**

20

1 **Q. From Berea?**

2 A. Berea College in Berea, Kentucky.

3 **Q. When did you get that degree?**

4 A. 1975.

5 **Q. And did you go directly into your
 6 Master's program?**

7 A. No, I didn't.

8 **Q. When did you join your Master's
 9 program?**

10 A. It was in the -- I think '91 I was
 11 employed at Ohio State University and I
 12 completed a Master's there in '93.

13 **Q. So from the point you graduated in
 14 1975 what was your employment?**

15 A. I worked at Orient State Institute
 16 at the time, it's now currently a correctional
 17 facility, but at the time in '76 I came on it
 18 was a mental institution. My undergrad was in
 19 psychology so it seemed to fit.

20 Just before Orient I had gone back
 21 home to Mt. Sterling, Kentucky, and worked with
 22 Belk-Simpson Stores in their personnel area, and
 23 then once I'd gotten the position at Orient then
 24 I moved to Columbus.

1 HR department and if it was working with
 2 Superior, once again, it would go to the HR
 3 department. There are usually a battery of
 4 tests that you would take also to determine if
 5 the person was the right fit for that. It's
 6 like a personality test, whatever. I did not
 7 administer personality tests.

8 **Q. I just wanted to make it clear that**
 9 **when you were at Lazarus were you also doing**
 10 **this recruiting and interviewing?**

11 A. Sure you would. Because you wanted
 12 to make sure there was -- you always have a core
 13 of people who are there and they've been there
 14 for several years. Lazarus at one time had been
 15 responsible or owned Gold Circle stores and at
 16 the time that Gold Circle folded up and was no
 17 longer a retail establishment in the city, a lot
 18 of people who had been with Gold Circle for
 19 several years automatically transferred over to
 20 Lazarus. So you had a veteran crew that was
 21 continually there or consistently there. But
 22 once again, it's in retail and that's a high
 23 turnover area along with fast food. So there
 24 was always a flux of people who were, you know,

1 sending in applications or turning applications
 2 over.

3 If you need a part-time job or a
 4 quick job, retail is one of the primary areas
 5 that recruits for people.

6 **Q. And then you joined Delphi, correct,**
 7 **after Lazarus?**

8 A. After Lazarus, correct.

9 **Q. And again, how long were you with**
 10 **Lazarus before you joined Delphi?**

11 A. I'd say close to three years, two,
 12 three years. That's just an approximate.

13 **Q. And tell me again what your exact**
 14 **title was with Delphi when you first joined.**

15 A. Manufacturing advisor, production
 16 advisor.

17 **Q. And what was your salary code?**

18 A. I think it was -- when you come in
 19 as a trainee I believe it was like a 5M23 or 31,
 20 whatever the fifth level. That's a trainee
 21 code, training code, and once you made it
 22 through probation and if they had determined
 23 that you were proper fit for an advisor, then I
 24 believe it went to 6M08.

1 **Q. What shift were you assigned to?**
 2 A. Initially the first shift.
 3 **Q. And did that ever change?**
 4 A. Yes, it did.
 5 **Q. When did that change?**
 6 A. It changed in the fall of the year.
 7 I think it was perhaps in November of the same
 8 year, '99, it changed to second shift.
 9 **Q. And how long did you work on second**
 10 **shift?**

11 A. Maybe -- well, if it changed in
 12 November and by the first of the year I was
 13 moving, so perhaps six months perhaps.

14 **Q. Did you ever go back to first shift**
 15 **while you were still -- let's call it a first**
 16 **line supervisor. Can we agree that that's the**
 17 **position you had?**

18 A. I can do that.

19 **Q. Did you ever go back to first shift**
 20 **before you went into the HR job?**

21 A. Yes, I did. I went back to first
 22 shift -- I'd been on second shift for, like I
 23 said, approximately six months maybe, five or
 24 six months, and I was told that I was going to

1 be assigned back to first shift into 1C, which
 2 was one of the line areas.

3 **Q. Did you have any problem with that**
 4 **decision to go back to first shift?**

5 A. Not at all. I preferred first
 6 shift.

7 **Q. Had you requested to go back to**
 8 **first shift?**

9 A. Well, sure. Anytime -- you know,
 10 there was several employees who enjoyed being on
 11 second shift, but when I was told I was going to
 12 be moving to second I had indicated that if a
 13 position had come forth once again that was on a
 14 first shift line, a first shift time within the
 15 same department that I was in at the time, then
 16 I wanted to be considered for that.

17 **Q. So you preferred first shift?**

18 A. Yes.

19 **Q. Did you ever work third shift?**

20 A. No.

21 MR. WINCHESTER: Let's go ahead and
 22 mark this.

23 **(EXHIBIT HEREBY MARKED FOR**
 24 **IDENTIFICATION PURPOSES.)**

1 would be in a B level such as this.

2 **Q. When you -- let me ask it this way**
 3 **then, when you moved from the HRM position back**
 4 **to the manufacturing advisor position, did your**
 5 **pay change at all?**

6 A. No. Pay did not change.

7 **Q. And then we go up to May 28, 2002.**
 8 That indicates if you go all the way across that
 9 category, it says "Quit - Personal."

10 A. Uh-huh.

11 **Q. Is that date correct there, May 28,**
 12 **2002?**

13 A. That's probably correct.

14 **Q. And that's the date you left Delphi?**

15 A. That's the date I felt like I was
 16 terminated. I felt like I was terminated from
 17 the position that I was in.

18 **Q. And why do you feel you were**
 19 **terminated?**

20 A. I feel like I was terminated from
 21 the position that I had held in the HR offices.
 22 You know, as far as the date of May 28, that
 23 could be when I provided closure and signed
 24 documents, but I feel like I was terminated from

1 **Q. So maybe now is a good time to talk**
 2 **about that.**

3 MR. WINCHESTER: Actually, do we
 4 need to take a break?

5 MS. VITALE: Why don't we take a
 6 little break.

7 (Recess taken.)

8 MR. WINCHESTER: Would please mark
 9 this?

10 (EXHIBIT HEREBY MARKED FOR
 11 IDENTIFICATION PURPOSES.)

12 **Q. I have just handed you a document**
 13 **that the court reporter has marked as**
 14 **Exhibit 7. Could you take a moment and review**
 15 **that document and tell me what it is?**

16 A. It's a personnel posting indicating
 17 a position that's available.

18 **Q. And that position listed here, the**
 19 **job title looks like supervisor salaried**
 20 **personnel admin. Do you see that there?**

21 A. I do see that. Supervisor salaried
 22 personnel ADM.

23 **Q. And did you apply for this job?**

24 A. Yes, I did.

1 the position that I was in and the positions
 2 that I was trying to do.

3 **Q. What about the manufacturing advisor**
 4 **position, were you terminated from that**
 5 **particular position?**

6 A. I don't feel like I was terminated
 7 from the manufacturing advisor position. I feel
 8 like I was terminated from the salaried
 9 personnel offices.

10 **Q. From the salaried personnel --**

11 A. HRM, human resources. I feel as if
 12 I was terminated from the job that I was
 13 performing in that capacity in those offices.

14 **Q. And that's the one that says --**
 15 **that's indicated here as salary HRM ADM; is**
 16 **that --**

17 A. Let me find that.

18 **Q. -- correct?**

19 A. Yes. That's the position that I was
 20 working in the personnel office, and from what
 21 my understanding was Frank was a salary HRM
 22 administrator but that was not the position that
 23 I was going to be holding. That was not the
 24 position title that I had.

1 **Q. And this is the job that Frank Cerny**
 2 **held, isn't it?**

3 A. That's correct.

4 **Q. And I want you to look at the key**
 5 **elements portion. Actually before you get**
 6 **there, do you remember looking at this before**
 7 **you applied for the position?**

8 A. No.

9 **Q. No?**

10 A. No.

11 **Q. When did you first see this notice**
 12 **of open position?**

13 A. At the time this position came open
 14 I was in Denver as a production advisor with
 15 other individuals for Delphi.

16 **Q. What were you doing in Denver?**

17 A. I was a production advisor and there
 18 was some concerns they had with one of the
 19 suppliers that was supplying not only Delphi but
 20 General Motors, and there were some issues that
 21 they felt that needed to be corrected, so I was
 22 one of four people that were asked to go out to
 23 Denver and try and straighten things out.

24 **Q. And how long were you out in Denver**

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1 **Where did that --**

2 A. There was a time during the year
 3 when you would receive information from
 4 divisional offices that would have what you had
 5 selected the prior year or what you had selected
 6 when you first came in, depending on your
 7 longevity; this is what you had before, this is
 8 who you had it with, this is what the duration
 9 was. It's time to change that, so you need to
 10 make your adjustments here. At one time I think
 11 you had to talk to the person and they sent it
 12 through. They had switched to a point to where
 13 you could actually call in supposedly and do it
 14 by phone. But there was several that wouldn't
 15 do it by phone, they would come in and have it
 16 done in the office there.

17 **Q. So employees had -- and we're
 18 talking just about salaried employees?**

19 A. Correct.

20 **Q. They had two options, one was to do
 21 it I guess like at a corporate headquarters kind
 22 of thing?**

23 A. They didn't do it at corporate
 24 headquarters. It was sent -- the information

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1 thing, so they wanted to know even though if
 2 they stayed with the other one, was anything
 3 changing? If an option was to go to a new one,
 4 what's the differences between the two? You
 5 know, and you could provide information as much
 6 as what you had. You know, but they may come to
 7 you, but they may still call the information
 8 line.

9 **Q. So you're not sure about how many
 10 people came to you asking --**

11 A. No. Like I said, at the time when
 12 it's an enrollment period and that information
 13 was sent out, then it would be a steady source
 14 of people coming in to talk about the enrollment
 15 and different plans that are offered. Because
 16 that was -- you know, it was -- like I said,
 17 it's their livelihood.

18 **Q. Were they able to hand you their
 19 paperwork or not? Could they turn in their
 20 paperwork to you?**

21 A. No. It wasn't -- you know, I wasn't
 22 to input their information for them. It wasn't
 23 that kind of a system.

24 **Q. So you were there to answer**

130

1 was sent from corporate headquarters, divisional
 2 offices I should say, and that information was
 3 your portfolio so to say; this is what you
 4 selected before, this is what's now available,
 5 you have to renew that. So that was the
 6 enrollment period.

7 **Q. So the employee would send that
 8 where?**

9 A. It wasn't necessarily sent. They
 10 could come to the personnel office, which is
 11 what some of them chose to do, and others opted
 12 to use a telephone system where you could call
 13 in and punch, punch, punch.

14 **Q. Punch numbers in and let the system
 15 know either I'm going to stick with what I
 16 have --**

17 A. It's a coded system, yeah.

18 **Q. Can you give me a ballpark
 19 percentage of how many folks came in physically
 20 to do that?**

21 A. When that information was sent out
 22 and people received it, it was a continual flux
 23 because people wanted to know what the changes
 24 were. You know, health care is an important

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1 **questions?**

2 A. Right. Some would try to give me
 3 their paperwork and go ahead and input it and --

4 **Q. What would you tell them?**

5 A. You know, it's like this is your
 6 choices that you're making and affecting your
 7 health care system, you know. It's your
 8 responsibility to make sure that it's accurate
 9 and you're doing what you need to do, and you'll
 10 probably feel more comfortable when you hear the
 11 responses back saying this is what you've got
 12 and what you don't have.

13 MR. WINCHESTER: Let's go ahead and
 14 mark this one.

15 (EXHIBIT HEREBY MARKED FOR
 16 IDENTIFICATION PURPOSES.)

17 **Q. The court reporter has just handed
 18 you a document marked Exhibit 8. If you could
 19 take a moment and review that, please.**

20 A. Okay.

21 **Q. Can you tell me what this is?**

22 A. It's a self-nomination form.

23 **Q. And it's for the HRM job; is that
 24 correct?**

1 January 1, and once I go into the area --
 2 because I did not assume the position January 1
 3 in that job -- and I'm talking to Frank at the
 4 same time I'm asking about the compensation, he
 5 realized I didn't have a lot of the information
 6 about the nonsupervisory position or Marsha
 7 Brown is leaving or the definite increase in
 8 responsibilities. So during this conversation
 9 he said, "You don't know any of this, do you?"
 10 "No, I don't. No, I didn't."

11 **Q. How long did Marsha stay in that**
 12 **area before she was moved somewhere else?**

13 A. I don't remember exact dates. I
 14 think she retired in June. I would say Marsha
 15 may have been there another two to three weeks.

16 **Q. After you came into that area?**

17 A. Yes. Two weeks maybe.

18 **Q. Now, as of today do you have any**
 19 **information as to, you know, the decision-making**
 20 **process whereby the decision was made to alter**
 21 **the job responsibilities of the job?**

22 A. How do you mean? I don't
 23 understand.

24 **Q. Do you have any information as to**

1 **of the job duties?**

2 A. No. Not prior to me accepting the
 3 position.

4 **Q. If Loretta did testify to that, and**
 5 **I know she's going to be deposed in this matter,**
 6 **would you take the position that she's lying?**

7 A. That's a strong statement to accuse
 8 someone of lying. I'm going to say maybe she
 9 doesn't remember or something. That makes it
 10 rather personal. It's not a personal thing.

11 That's like attacking someone and saying you're
 12 lying, and that's not what I'm trying to do.
 13 You know, I've said perhaps maybe she didn't
 14 remember it or whatever, but I'm not going to
 15 say Loretta was lying.

16 **Q. And the flip side of that, is it**
 17 **possible that you don't remember, that maybe she**
 18 **mentioned it during --**

19 A. I definitely remember. Because I
 20 was excited about being able to move into a
 21 different position, and this was a seventh level
 22 position. Position codes reflect your
 23 responsibilities and your compensation. It's an
 24 achievement. It's an accomplishment. You know,

1 **how the decision was made or what occurred prior**
 2 **to the alteration of the job that we're talking**
 3 **about today?**

4 A. Do I have any other information
 5 about how it was made or the decision was made?

6 **Q. Yeah. Were you in any meetings,**
 7 **have seen any notes of meetings, do you have any**
 8 **information as to how that decision was made?**

9 A. To change the job once I was in it
 10 or whatever? No. No. I mean, my understanding
 11 was I was applying for this position and that's
 12 the position that I interviewed for and this is
 13 the position I was talking about. It's only
 14 when I get in the position after January 1 that
 15 I find out this isn't what it's going to be,
 16 this isn't it. And there is no position code
 17 change, there is no nothing. You're going to be
 18 doing this. So, no, I did not know of any other
 19 meetings or hear of any other -- get any other
 20 notes or anything. What I knew was I applied
 21 for this job.

22 **Q. And I just wanted to get your**
 23 **testimony clear, you don't recall Loretta**
 24 **talking to you at all about possible alterations**

1 I see this position and it's a seventh level,
 2 I'm excited about it, so, yes, I'm definitely
 3 going to remember.

4 **Q. And how did you -- what did you tell**
 5 **Frank when he gave you this information that the**
 6 **position had changed?**

7 A. I didn't have to tell Frank the
 8 position was changed. Frank assumed that I knew
 9 it was changed and I had known from the
 10 interview. When I came to him and questioned
 11 the compensation statement or the position code
 12 change, Frank sat back in his chair and he says,
 13 "You don't know that. You don't know any of
 14 that." And I'm like, "No, I do not."

15 **Q. When he explained to you what the**
 16 **changes were what did you say to him?**

17 A. Frank decided that we needed to go
 18 talk to Loretta to confirm what the changes were
 19 and why I didn't know.

20 **Q. Okay. And so before you went to see**
 21 **Loretta -- did you go see Loretta together?**

22 A. Yes.

23 **Q. Before you did that, anything else**
 24 **you can remember that Frank told you?**

281

1 reactive.

2 **Q. It looks like in Jim's assessment**
 3 **you were in kind of a reactive mode in your job,**
 4 **and that's what I'm reading here. Is that your**
 5 **sense of how things were going in your job that**
 6 **year?**

7 A. I based that -- I can see where you
 8 say that in the comments and I think there were
 9 probably times when it was more of a reactive
 10 rather than a proactive. If I prioritize to get
 11 this done or had to shift and do that, it was,
 12 yeah, reach back and catch the other one. So,
 13 yes, there were probably times when it was
 14 reactive instead of proactive.

15 **Q. At some point before this date, and**
 16 **it's signed here on January 28 of '02 -- and I**
 17 **noticed you didn't sign it, correct?**

18 A. Correct.

19 **Q. Sometime prior to this date you had**
 20 **offered to resign from Delphi, hadn't you?**

21 A. Yes.

22 **Q. When did that happen?**

23 A. It was before Loretta had left.

24 **Q. Can you give me an idea?**

282

1 **Summertime?**

2 A. Late summer.

3 **Q. Late summer?**

4 A. Late summer.

5 **Q. Tell me what happened with that.**

6 A. As I've stated, I felt like I was
 7 running in and performing the tasks of three
 8 positions I had repeatedly asked for time to
 9 train and learn how to do something or get with
 10 someone else in order to learn a better way of
 11 doing something. I was feeling pulled in
 12 various directions. And I had asked Loretta
 13 could we sit down and at least talk about what I
 14 felt like I needed assistance in from other
 15 personnel or could she reflect on a prior task
 16 or position she'd had. Like affirmative action,
 17 could we talk about the affirmative action and
 18 certain components in that that needed to be
 19 completed, and the response was not the most
 20 favorable in terms of being able to provide time
 21 or assistance or to get that accomplished. And
 22 I felt that I was doing the best I could do with
 23 what I was doing. And I didn't feel like that
 24 was being recognized or appreciated at that

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1 accept it and that she preferred that I not
 2 submit it to her. She indicated my decision to
 3 resign could affect her professional career.
 4 And she wasn't sure if I actually wanted that in
 5 my personnel file.

6 **Q. Did she say anything else to you?**

7 A. Not that I recall. It was at the
 8 time something was happening. I don't know if a
 9 fire drill or something was getting ready to go
 10 on. It wasn't like we sat down and discussed it
 11 in long detail.

12 **Q. Do you remember what you told her in**
 13 **response to the things that she said to you?**

14 A. No. I remember making a statement,
 15 you know, I'm submitting this resignation letter
 16 to you, you know, as my supervisor.

17 **Q. You were very unhappy in your job at**
 18 **that point, weren't you?**

19 A. I was overwhelmed in my job. I
 20 liked working in HR, that's what I wanted to do
 21 when I came into the plant, so I was really
 22 excited about being able to -- given that
 23 opportunity to work in HR. So I liked what HR
 24 was about but I felt overwhelmed with the amount

283

283

1 time.

2 **Q. And so you submitted a resignation**
 3 **letter; is that correct?**

4 A. I did.

5 **Q. What did that letter say, do you**
 6 **remember?**

7 A. Not verbatim. Basically that I felt
 8 that it was something I needed to resign at that
 9 point. I can't say for sure. I'd have to pull
 10 up a copy of the letter. I don't want to say
 11 something was in there that wasn't.

12 **Q. Do you have a copy of the letter in**
 13 **your possession?**

14 A. I wrote the letter so, yeah, I
 15 would.

16 MR. WINCHESTER: And correct me if
 17 I'm wrong, counsel, I'm not sure I've seen a
 18 copy of that letter but I put in a request for
 19 it, please, for a copy of her resignation
 20 letter.

21 **Q. So who did you give that letter to?**

22 A. I gave it to Loretta Woolridge.

23 **Q. And what happened?**

24 A. She indicated she was not going to

1 I did set up an appointment with his assistant
 2 at the time to come in and talk to him. And I
 3 told him I had considered what we had discussed
 4 and that I indicated I did like working in the
 5 human resources area, I enjoyed that interaction
 6 with people, but I felt like we needed to
 7 reconsider the responsibilities of that job,
 8 that it was incorporating everybody and we
 9 needed to maybe reconsider that. And with the
 10 basis and understanding that maybe that was
 11 something that was going to be done, I liked the
 12 position and, yes, I would like to go ahead and
 13 remain in the position. He agreed, said, "Thank
 14 you very much. I'm glad you make that
 15 decision." He said, "I think you're a valuable
 16 person."

17 Tom Green indicates in the
 18 conversation he had numerous reports from
 19 several people that they really thought I was
 20 doing the best I could and doing a good job, and
 21 that's in September.

22 **Q. Did he say who those people were?**

23 A. No. No. That he'd gotten reports
 24 from various people that I had been doing a good

1 (EXHIBIT HEREBY MARKED FOR
 2 IDENTIFICATION PURPOSES.)

3 **Q. The court reporter has just handed**
 4 **you a couple of documents stapled together that**
 5 **we've marked as Exhibit 13. And I'll represent**
 6 **to you that these are your earning records --**

7 A. Okay.

8 **Q. -- while you were at Delphi.**

9 A. Okay.

10 **Q. And if you'd take a moment to look**
 11 **through these, tell me if you've ever seen these**
 12 **records before.**

13 A. No, I don't recall having seen these
 14 before.

15 **Q. And we'll go through some of these**
 16 **numbers and see if they're familiar to you.**
 17 **Before we do that, can you tell me how your time**
 18 **was monitored while you were working for**
 19 **Delphi? Did you have like a swipe card or**
 20 **something like that?**

21 A. All employees had a swipe card.

22 **Q. And so when you would arrive at the**
 23 **plant you'd swipe in and then when you left**
 24 **you'd swipe out, is that --**

290 1 job and trying to do what was asked of me.

2 **Q. Did you go back to Loretta and tell**
 3 **her that you were staying?**

4 A. I don't recall doing that, no.

5 **Q. So do you have any idea how she got**
 6 **word that you were going to stay?**

7 A. No. I don't know for sure. I would
 8 only be surmising what I thought, but I don't
 9 know for sure.

10 **Q. Did you ever talk to Loretta again**
 11 **after the conversation about your resignation**
 12 **letter?**

13 A. How so? I mean, Loretta was my
 14 supervisor. We talked, yeah, quite a bit.

15 **Q. I want to get a sense if you were**
 16 **talking or not talking to each other?**

17 A. Oh, we definitely had to talk to one
 18 another. She was the supervisor, you know, so
 19 she was responsible for what was happening
 20 there. You know, not only with HR office but
 21 with labor relations or, you know, the medical
 22 department, security, what have you. So, yeah,
 23 we definitely had to talk.

24 MR. WINCHESTER: Let's mark this.

292 1 A. Correct.

2 **Q. -- how it worked? So if we wanted**
 3 **to take a look at your hours, let's say, when**
 4 **you were a first line supervisor, that record**
 5 **would be somewhere in the computer or somewhere**
 6 **in the plant; do you know either way?**

7 A. I would think -- I think those
 8 records are maintained for a certain period of
 9 time and then they are removed. I'm not sure if
 10 they are removed to an archive database, but I'd
 11 been told once before that you could only, you
 12 know, recall information for a certain period of
 13 time.

14 **Q. I want to direct your attention to**
 15 **the second page.**

16 A. Okay.

17 **Q. And just to make things easier it**
 18 **looks like the base earning is listed first each**
 19 **month, is listed it looks like middle of month**
 20 **and end of the month. Does that make sense to**
 21 **you there?**

22 A. Are you referring to like July, I
 23 think it looks like 847.70?

24 **Q. Let's look at August because I think**

1 IN THE COURT OF COMMON PLEAS
 2 FRANKLIN COUNTY, OHIO

3 ---
 4 Edith C. James, :
 5 Plaintiff, :
 6 vs. : Case No. 03CVII02-02213

7 Delphi Automotive :
 Systems, et al., :

8 Defendants. :
 9 ---
 10

11 DEPOSITION

12 of James Barr, a witness herein, taken before
 13 me, Kendra E. Johnston, a Notary Public in and
 14 for the State of Ohio, at the offices of Jones
 15 Day, 41 South High Street, Columbus, Ohio, on
 16 Wednesday, November 19, 2003, at 9:30 a.m.

17 ---
 18
 19
 20
 21 Armstrong & Okey, Inc.
 185 South Fifth Street, Suite 101
 22 Columbus, Ohio 43215
 (614) 224-9481 - (800) 223-9481
 23 Fax - (614) 224-5724
 24 ---

1 APPEARANCES:
 2 Cooper & Elliott
 By Sheila P. Vitale
 3 2175 Riverside Drive
 Columbus, Ohio 43221
 4
 5 On behalf of the Plaintiff
 6 Jones Day
 By Jeffrey D. Winchester
 7 41 South High Street
 Suite 1900
 Columbus, Ohio 43215-6113
 8
 9 On behalf of the Defendants.
 10 ---
 11
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 14
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 24

1 Wednesday Morning Session,
 2 November 19, 2003.
 3 ---
 4 STIPULATIONS
 5 It is stipulated by and between counsel
 6 for the respective parties that the deposition
 7 of James Barr, a witness herein, called by the
 8 Plaintiff under the applicable Rules of Civil
 9 Procedure, may be taken at this time and reduced
 10 to writing in stenotypy by the Notary, whose
 11 notes thereafter may be transcribed out of the
 12 presence of the witness; and that proof of the
 13 official character and qualification of the
 14 Notary is waived.
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1 INDEX TO EXHIBITS
 2 ---
 3 Plaintiff Exhibits Identified
 4 O Note and Personal Business Plan 56
 5 P Requisition 62
 6 Q Organizational Announcement
 from Tom Green 82
 7 R Salaried Personnel Transaction 98
 8 S Info re Michael Waters 102
 9
 10 ---
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1 aware of training to make someone understand
 2 that. So I was giving her that kind of
 3 feedback. You know, I don't know how to train
 4 somebody to follow up other than make sure you
 5 follow up. Don't just leave voice mails and
 6 wait for the return.

7 **Q. Did you speak with Ms. James at all**
 8 **about whether she was capable of performing all**
 9 **of her job duties and responsibilities, such as**
 10 **whether she was able to perform all the duties**
 11 **and responsibilities of the education and**
 12 **training duties that she had assumed along with**
 13 **the salaried personnel duties and**
 14 **responsibilities?**

15 A. Well, the training piece of it
 16 honestly was a minor part of the job. She was
 17 having problems with some of the basics of her
 18 main function, and so that was essentially the
 19 focus. Does that answer your question?

20 **Q. Did you have any discussions with**
 21 **Ms. James about her being removed from the**
 22 **position? And I'm talking about since you**
 23 **became her supervisor and prior to her final**
 24 **personal business plan review.**

1 A. No.

2 **Q. I'm going to show you what I've**
 3 **marked as Exhibit P, and I'll let you know this**
 4 **is another document produced by your counsel in**
 5 **response to discovery requests. Do you**
 6 **recognize this document?**

7 A. This particular one? I mean, I
 8 recognize the form.

9 **Q. Okay. We'll start there. What is**
 10 **this document in general, the form?**

11 A. It looks like what we would call a
 12 requisition.

13 **Q. And is that a basic job type posting?**

14 A. No. This would be a requisition
 15 that we would use as an internal document to
 16 order a person for an opening; get it approved,
 17 I guess is the way to say it.

18 **Q. Okay. So this form here would be**
 19 **filled out, and then where would this form go to**
 20 **so that you would have approval?**

21 A. It would be circulated to the people
 22 that need to approve it for signature.

23 **Q. Okay. So this would go then to, it**
 24 **looks like, the divisional offices; is that**

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1 **correct?**

2 A. Yes. They would have to approve
 3 it.

4 **Q. Is this done for every position**
 5 **that's posted or that needs filled within Delphi**
 6 **Columbus?**

7 MR. WINCHESTER: Now you're talking
 8 salaried or both salaried and hourly?

9 MS. VITALE: Either salaried or
 10 hourly.

11 A. If it's just a reassignment within
 12 the plant, I don't believe that there is a
 13 document like this that goes up for divisional
 14 approval. I believe that if we're bringing
 15 someone in either on a transfer or hiring, then
 16 that's when this kind of a document would apply.

17 **Q. Okay. So when this type document is**
 18 **used, is there also a posting that goes out**
 19 **within the plant itself?**

20 A. Sometimes.

21 **Q. Describe what you mean "sometimes."**

22 A. Well, again, I guess it depends on
 23 the circumstances, I guess, with the particular
 24 position. Sometimes we post. Sometimes we

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1 don't. Sometimes we don't post if we are going
 2 to take someone for a developmental reason,
 3 we're going to put them in this role for
 4 development purposes. We're not going to post
 5 that and have everybody put in for it like they
 6 have a shot when we really need right now to
 7 give this person a developmental opportunity.
 8 So I -- sometimes we do, sometimes we don't. It
 9 depends on the situation.

10 **Q. Okay. And this form, Exhibit P, is**
 11 **also used when you are moving or requesting**
 12 **someone to come from another plant; is that**
 13 **correct?**

14 A. Yeah, I -- I believe the right
 15 answer is if I'm going to bring somebody into
 16 the plant from the outside, whether that be from
 17 a hire or from a transfer, then you're going to
 18 have something like this.

19 **Q. Okay. Did you fill this form out?**

20 A. No.

21 **Q. Have you ever seen this form before?**

22 MR. WINCHESTER: You mean the
 23 contents of the form?

24 MS. VITALE: Yes.

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1 A. Not that I recall.

2 Q. **Did you know on December 1st, 2001,**
3 **that Ms. James was going to be replaced?**

4 A. There was discussion about the
5 problems that Edith was having and that it was
6 going to have to be addressed, so, yes, it was
7 being talked about.

8 Q. **And who were these discussions with?**

9 A. Well, you know, I guess from the
10 interested parties, it would have been from the
11 production -- it would have been from the top
12 managers of the plant, you know, the plant
13 manager, the production manager, the director of
14 human resources, at the divisional level. It
15 was being discussed by those people.

16 Q. **Were you included in those
17 discussions?**

18 A. Yeah, I was aware of it.

19 Q. **So it was the plant manager, the
20 production manager, divisional person was
21 involved?**

22 A. Director, yes.

23 Q. **And yourself?**

24 A. Yes.

1 A. I don't recall.

2 Q. **Were there any discussions about
3 bringing somebody in from either another plant
4 or outside of the Delphi Columbus plant to fill
5 Ms. James' position prior to you discussing Ms.
6 James' position -- prior to your discussion with
7 Ms. James during her final personal business
8 plan review?**

9 A. Well, when there are discussions
10 about transferring her to another position, you
11 naturally need to decide, you know, how you're
12 going to replace her, so I would say yeah, there
13 were discussions about what would we do.

14 Q. **Do you know when it was decided that
15 Michael Waters would replace Ms. James?**

16 A. That's -- a point in time, no, I do
17 not know. I just know that it's another -- it
18 was an issue that was discussed because there
19 was this divisional involvement in this
20 particular case, that, you know, it was being
21 discussed by a number of people that I
22 indicated. I don't recall exactly when the
23 decision was made to transfer her to her
24 previous position of manufacturing adviser.

1 Q. **Anyone else?**

2 A. There could have been other people
3 at the division discussing it.

4 Q. **Do you know if Ms. James was aware
5 of any of these discussions back in December?**

6 MR. WINCHESTER: Objection. Calls
7 for speculation.

8 A. No, I don't know.

9 Q. **Did you talk to Ms. James about this
10 in December?**

11 A. No. I think I said that prior to
12 the personal business plan discussion, I had not
13 talked to her about removing her.

14 Q. **Did you talk to her at all about the
15 possibility that she may be removed?**

16 A. No.

17 Q. **Do you know who filled Exhibit P out?**

18 A. I do not.

19 Q. **Do you recall if you directed
20 anybody to fill this form out?**

21 A. I did not.

22 Q. **Do you know whether or not Ms.**

23 **James' position was posted within Delphi
24 Columbus?**

1 Q. **Do you recall when the decision was
2 made to bring Mike Waters into the Columbus
3 facility?**

4 A. Oh. Well, no, I don't.

5 Q. **Do you recall if that was before Ms.
6 James' final evaluation on her personal business
7 plan?**

8 MR. WINCHESTER: Objection. The
9 witness has just said he doesn't know when the
10 decision was made. Go ahead.

11 A. No.

12 Q. **So you don't know if it was made
13 before or after you discussed Ms. James' final
14 personal business plan evaluation?**

15 A. No, I do not.

16 Q. **Do you have any knowledge as to why
17 on Exhibit P the position code is listed as 7P21?**

18 A. I didn't fill the form out, so I

19 guess I don't know why they put 7P21 there.

20 Q. **Do you know why the position title
21 is Sr., which I'm assuming is Senior, Salaried
22 HRM Rep?**

23 A. I guess my answer has to be the
24 same. I did not fill the form out and had no

1 understanding. Did somebody tell you that or
2 are you just assuming?

3 A. I would have -- I guess I would have
4 been aware if he was being trained. What he was
5 doing was transitioning out of his old role and
6 getting moved. If there was training, it would
7 have -- I would have seen it on his personal
8 business plan under the training record, and
9 there isn't any there, so he didn't get any
10 training.

11 Q. So based on what you said, is all
12 training that a person would undergo, you know,
13 at Delphi, any Delphi employee, is that all in
14 their training records?

15 A. It should be. You know, and I'm
16 talking about formal training.

17 Q. So there could be informal training
18 that wouldn't show up on those records?

19 A. That's true.

20 Q. Do you know if Mr. Waters had any
21 informal training?

22 MR. WINCHESTER: Specifically during
23 that transition period that you're talking
24 about?

1 MS. VITALE: Right.

2 A. Informal meaning on the job, figure
3 it out, ask questions, get with who you need to
4 get to, yes.

5 Q. Do you know if he had any informal
6 training by shadowing a person in any Delphi
7 plant, any IIR person at any other Delphi plant,
8 prior to his arriving to Columbus and during
9 that transition period?

10 A. I don't believe so.

11 Q. Is it possible he could have, you
12 just may not know?

13 A. Well, I don't want to say it's not
14 possible, but I don't believe it is.

15 Q. The education and training
16 responsibilities held by or assumed by Ms. James
17 when she was in the position, have those duties
18 and responsibilities been moved to any other
19 position?

20 A. Yes.

21 Q. When were the training and education
22 responsibilities moved to another position?

23 A. Well, it was actually in conjunction
24 with Mike Waters coming on board. We assigned

1 the training coordination role to another
2 employee in addition to her normal full-time
3 assignment.

4 Q. Who did those job duties go to?

5 A. Her name is Pat Scott.

6 Q. And what's her position?

7 A. She's our -- she's in the quality
8 department, and she is our QS 9000 coordinator
9 and internal auditor.

10 Q. Do you know if she has an assistant
11 or clerk or someone who helps her input training
12 records into the computer program?

13 A. She does not have an assistant that
14 I'm aware of. She -- it should be understood,
15 though, that the role of education and training,
16 since we are a union facility, we have a -- it's
17 called a joint position, and there is a
18 full-time hourly counterpart that's assigned to
19 the education and training coordination role
20 that's there available, so he's still there.

21 Q. Do you know if Pat Scott, who
22 assumed the education and training
23 responsibilities, has she put together any
24 training for salaried personnel?

1 A. Designed it, developed it?

2 Q. Right.

3 A. I don't believe so. That's not
4 typically what the role education and training
5 coordinator does. It is really to facilitate
6 the training in the plant, so identify some
7 training, and they do very little training
8 themselves, if any. They might participate in
9 some training from time to time, but it's not
10 essentially what that role is about.

11 Q. You indicated earlier that the
12 decision to move the training and education
13 responsibilities was made about the time when
14 Mike Waters came on board the Columbus
15 facility. Who made that decision to remove the
16 education and training responsibilities?

17 A. There was a number of people
18 involved, and it was essentially the same people
19 that were involved in reviewing the role
20 overall. It would have been Mark Lewis, the
21 director of human resources from the division.
22 It would have been input from the plant top
23 leadership as well.

24 Q. Were you also involved in that

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1 those duties were a part of that role because,
 2 you know -- I became aware that they were while
 3 I was still supervisor of labor relations, but
 4 whether it was true that they were always part
 5 of the role or not, I don't know.

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1 is that correct?

2 A. Yes.

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1 **salaried human resource representative would**
 2 **take care of?**

3 A. Between the salaried human resource
 4 representative and the division, that would be
 5 handled, the mechanics of it. Typically I get
 6 involved with an approval.

7 **Q. So the only time you would see it**
 8 **would be for an approval?**

9 A. Right.

10 **Q. Do you know why your approval is not**
 11 **on this document for Mr. Waters?**

12 MR. WINCHESTER: Objection. Calls
 13 for speculation.

14 A. No, I don't know why.

15 **Q. Within the Columbus Delphi facility,**
 16 **do you normally sign an approval for any**
 17 **promotions, or if somebody comes into the**
 18 **Columbus facility as a new employee, do you**
 19 **normally sign and approve these personnel**
 20 **transactions?**

21 A. No, I normally don't. The approval,
 22 in fact, is -- the whole system now is
 23 electronic, so the approval process isn't like
 24 this, but prior to that, I did not typically

1 **approvals and authorizations signed on January**
 2 **9th, 2002, does it refresh your recollection at**
 3 **all as to whether you knew that Mr. Waters was**
 4 **selected to fill Ms. James' position as of**
 5 **January 9th, 2002?**

6 A. No.

7 **Q. And on this salaried personnel**
 8 **transaction form for Mr. Waters, it indicates**
 9 **that his job title is Supv., Human Resources, on**
 10 **the right-hand column, middle. It says**
 11 **"Promotion - bona fide."**

12 A. Yeah.

13 **Q. And then beneath that, is that his**
 14 **job title?**

15 A. I can't -- I don't know. That's not
 16 how he's referred to and that's not -- and he's
 17 not the supervisor of human resources. I
 18 can't -- I don't know.

19 **Q. Okay. And I'll just relate to you**
 20 **that this was actually produced to us by your**
 21 **counsel in response to a discovery request.**

22 **In your position, do you normally go**
 23 **through salaried personnel transactions for**
 24 **employees, or is that something more that the**

1 **is that correct?**

2 A. Yes.

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 2 **take care of?**

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14 A. No, I don't know why.

15 **Q. Within the Columbus Delphi facility,**
 16 **do you normally sign an approval for any**
 17 **promotions, or if somebody comes into the**
 18 **Columbus facility as a new employee, do you**
 19 **normally sign and approve these personnel**
 20 **transactions?**

21 A. No, I normally don't. The approval,
 22 in fact, is -- the whole system now is
 23 electronic, so the approval process isn't like
 24 this, but prior to that, I did not typically

1 IN THE COURT OF COMMON PLEAS
2 FRANKLIN COUNTY, OHIO3 ---
4 Edith C. James, :
5 Plaintiff, :
6 vs. : Case No. 03CVH02-022137 Delphi Automotive :
8 Systems, et al., :9 Defendants. :
10 ---

11 DEPOSITION

12 of Frank Cerny, a witness herein, taken before
13 me, Kendra E. Johnston, a Notary Public in and
14 for the State of Ohio, at the offices of Jones
15 Day, 41 South High Street, Columbus, Ohio, on
16 Friday, November 7, 2003, at 9:30 a.m.17 ---
18
19
20
21 Armstrong & Okey, Inc.
22 185 South Fifth Street, Suite 101
Columbus, Ohio 43215
(614) 224-9481 - (800) 223-9481
23 Fax - (614) 224-5724
24 ---1 Friday Morning Session,
2 November 7, 2003.3 ---
4 STIPULATIONS5 It is stipulated by and between counsel
6 for the respective parties that the deposition
7 of Frank Cerny, a witness herein, called by the
8 Plaintiff under the applicable Rules of Civil
9 Procedure, may be taken at this time and reduced
10 to writing in stenotypy by the Notary, whose
11 notes thereafter may be transcribed out of the
12 presence of the witness; and that proof of the
13 official character and qualification of the
14 Notary is waived.15 ---
16
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1 APPEARANCES:
2 Cooper & Elliott
By Sheila P. Vitale
3 2175 Riverside Drive
Columbus, Ohio 43221
4
5 On behalf of the Plaintiff
6 Jones Day
7 By Jeffrey D. Winchester
41 South High Street
Suite 1900
Columbus, Ohio 43215-6113
8
9 On behalf of the Defendants.
10 ---
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<p>1 she come in the plant. Maybe '99. I'm just 2 guessing. I'm not sure.</p> <p>3 Q. And just so I understand, the 4 supervisor over you was the HR supervisor?</p> <p>5 A. Personnel director.</p> <p>6 Q. Okay. And as a supervisor in your 7 position as salaried personnel administration, 8 did you oversee other employees?</p> <p>9 A. Yes.</p> <p>10 Q. How many employees were you in 11 charge of?</p> <p>12 A. That varied over the years, but when 13 I retired, one.</p> <p>14 Q. And when you say it varied over the 15 years, how many was the most that you supervised 16 at one time?</p> <p>17 A. Directly supervised four, and then 18 was responsible for -- because there were people 19 that then worked for people who worked for me -- 20 probably another dozen or 15, something like 21 that.</p> <p>22 Q. And when did it change from you 23 supervising four people directly to only one 24 person?</p>	<p>13</p> <p>1 Delphi, was there still a reduction of employees 2 going on?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know why they were trying to 5 reduce the number of employees?</p> <p>6 MR. WINCHESTER: Objection. Calls 7 for speculation. Go ahead.</p> <p>8 A. To the best of my knowledge, cost 9 cutting kind of things, like most companies.</p> <p>10 Q. Going back, in your position as 11 supervisor of salaried personnel, did you 12 receive performance reviews?</p> <p>13 A. Yes.</p> <p>14 Q. And, just generally, how was your 15 performance reviewed? What was it like in that 16 position?</p> <p>17 A. You mean what kind of -- I guess I'm 18 not sure I understand.</p> <p>19 Q. What kind of reviews did you get?</p> <p>20 Were they, you know, you met expectations or you 21 met the job --</p> <p>22 A. Generally above expectations or 23 highly effective.</p> <p>24 Q. Did you receive any performance</p> <p>14</p> <p>1 A. That was a gradual thing too. I'm 2 going to say -- I'm not exactly sure, but it's 3 probably '97, '98, somewhere in there, '99. I'm 4 not sure. But it wasn't directly from four to 5 one. It was -- you know, there were lesser 6 numbers in between there too.</p> <p>7 Q. Okay. Do you know why the number of 8 people you supervised gradually went down from 9 four to one?</p> <p>10 MR. WINCHESTER: Objection. Calls 11 for speculation. Go ahead and answer.</p> <p>12 A. Consolidation of jobs or the plant 13 executives determined that certain functions 14 should be handled in certain areas or by 15 different supervisors or what have you; 16 reduction of employees, that kind of thing.</p> <p>17 Q. Was there a continual reduction of 18 employees during the time that you were at 19 Delphi?</p> <p>20 A. I'm not sure "continual" is the 21 right word, but there was -- yeah, there was a 22 reduction of employees, head count reductions 23 over the years, yes.</p> <p>24 Q. And at the time you were leaving</p> <p>15</p> <p>1 reviews then from Loretta Woolridge?</p> <p>2 A. Yes.</p> <p>3 Q. Did she go over your performance 4 reviews with you?</p> <p>5 A. Yes.</p> <p>6 Q. And how were those reviews? The 7 same? Highly effective?</p> <p>8 A. Yes.</p> <p>9 Q. What were your job duties as the 10 supervisor of salaried personnel administration?</p> <p>11 A. Many and varied. I was responsible 12 for administering the salary policy provisions 13 that applied to all the salaried employees in 14 the plant. I was responsible for the hiring, I 15 guess you would say, and firing of salaried 16 employees; administering the merit plan; 17 administering the EEO plan, the affirmative 18 action plan; assisting employees with questions 19 concerning some benefit-related kinds of 20 activities. I supervised an employee. I guess 21 that's probably generally the highlights, 22 anyway, of my job. About a million other 23 things, but go ahead.</p> <p>24 Q. You supervised one employee; right?</p>
<p>1 A. That was a gradual thing too. I'm 2 going to say -- I'm not exactly sure, but it's 3 probably '97, '98, somewhere in there, '99. I'm 4 not sure. But it wasn't directly from four to 5 one. It was -- you know, there were lesser 6 numbers in between there too.</p> <p>7 Q. Okay. Do you know why the number of 8 people you supervised gradually went down from 9 four to one?</p> <p>10 MR. WINCHESTER: Objection. Calls 11 for speculation. Go ahead and answer.</p> <p>12 A. Consolidation of jobs or the plant 13 executives determined that certain functions 14 should be handled in certain areas or by 15 different supervisors or what have you; 16 reduction of employees, that kind of thing.</p> <p>17 Q. Was there a continual reduction of 18 employees during the time that you were at 19 Delphi?</p> <p>20 A. I'm not sure "continual" is the 21 right word, but there was -- yeah, there was a 22 reduction of employees, head count reductions 23 over the years, yes.</p> <p>24 Q. And at the time you were leaving</p>	<p>14</p> <p>1 reviews then from Loretta Woolridge?</p> <p>2 A. Yes.</p> <p>3 Q. Did she go over your performance 4 reviews with you?</p> <p>5 A. Yes.</p> <p>6 Q. And how were those reviews? The 7 same? Highly effective?</p> <p>8 A. Yes.</p> <p>9 Q. What were your job duties as the 10 supervisor of salaried personnel administration?</p> <p>11 A. Many and varied. I was responsible 12 for administering the salary policy provisions 13 that applied to all the salaried employees in 14 the plant. I was responsible for the hiring, I 15 guess you would say, and firing of salaried 16 employees; administering the merit plan; 17 administering the EEO plan, the affirmative 18 action plan; assisting employees with questions 19 concerning some benefit-related kinds of 20 activities. I supervised an employee. I guess 21 that's probably generally the highlights, 22 anyway, of my job. About a million other 23 things, but go ahead.</p> <p>24 Q. You supervised one employee; right?</p> <p>16</p>

1 A. When I retired, yes.

2 Q. Who was that employee?

3 A. Marsha Brown.

4 Q. And what was her position?

5 A. She was a salaried personnel
6 representative.

7 Q. And I know you've listed several job
8 duties that you had. Did you perform any
9 training in your job duty?

10 A. Yes, as it related to salaried
11 personnel, the salaried personnel areas or
12 functions related thereto.

13 Q. So when you performed training, was
14 it like a training seminar that you would put
15 together or --

16 A. They were training sessions that,
17 for example, if the merit plan information
18 needed to be disseminated among the salaried
19 employees, then I would usually conduct those
20 training sessions.

21 Q. So the training that you performed
22 was more as to explaining the, you know, plans
23 or salary issues to the employees; is that
24 correct?

1 A. Yes.

2 Q. You didn't do training as to, you
3 know, how to use the machines or Team Delphi
4 trainings?

5 A. No.

6 Q. I'm going to show you what's been
7 marked as Exhibit B. Could you look over that
8 for me and tell me what that is?

9 A. Well, this is the job description
10 for my position, Supervisor, Salaried Personnel
11 Administration.

12 Q. And it shows a code of 7P21; is that
13 correct?

14 A. Yes.

15 Q. Could you explain for me first what
16 a 7P21 is?

17 A. Again, the 7 portion of that is the
18 level; the P is a designation for the area of
19 work, and P in this case refers to personnel;
20 and then the 21 is just a particular number
21 associated with this job. Whoever created these
22 documents numbered the various jobs by a
23 numbering system, so that was the number given
24 to this job.

1 Q. So you understood then the
2 supervisor, salaried personnel administration,
3 was a 7P21 job; is that correct?

4 A. Yes.

5 Q. And I'm going to go through some of
6 the job duties here with you. You indicated
7 that you participated in the selection of new
8 employees, and that would be part of the hiring
9 and firing that you had indicated earlier; is
10 that correct?

11 A. Yes.

12 Q. And how did you participate in the
13 selection of new employees? Did you do the
14 interviewing?

15 A. Some, yes. We did recruiting where
16 we would go do college recruiting or on one
17 occasion we recruited military personnel. We
18 may -- in fact, we did a job fair where we had
19 applicants come to the plant, and I participated
20 in interviewing some of the people; and then
21 other times I would just kind of coordinate the
22 activity after we got the candidates lined up.

23 Q. Did you also then send out letters
24 to inform new employees that they were hired by

1 Delphi?

2 A. Yes.

3 Q. Were you the only person in the
4 plant that had that responsibility of informing
5 new hires that, you know, "Welcome aboard;
6 you've been hired by Delphi," sending those kind
7 of correspondence out?

8 A. Yes, and with the assistance of
9 Marsha Brown.

10 Q. Did Marsha Brown send out letters or
11 did they always go out under your signature?

12 A. Under my signature.

13 Q. I'm going to show you what's been
14 marked as Exhibit C, and could you just tell me
15 if this is an example of one of the types of
16 letters that you would have sent out?

17 A. Yes.

18 Q. So this is pretty much a standard
19 type of letter that you would send out to new
20 hires; is that correct?

21 A. Yes.

22 Q. Did you have any other documents or
23 any other explanations for this first --
24 explanation of first job, "Participates in the

1 **Q.** Other than putting this posting
2 together, what else did you do in selecting the
3 person that would replace you?

4 A. We just coordinated the collection
5 of the applicants for the posting and submitted
6 those then to my supervisor.

7 **Q.** Did you do any interviews?

8 A. No.

9 **Q.** Did you determine which people that
10 applied were qualified for the position?

11 A. No.

12 **Q.** And when you put this posting
13 together, you understood that the job would be
14 for Supervisor of Salaried Personnel Adm?
15 And "Adm" I'm assuming means Administration;
16 correct?

17 A. Yes.

18 **Q.** So you understood that you were
19 posting for your position; is that right?

20 A. Yes.

21 **Q.** And it was going to be a position
22 code 7P21; correct?

23 A. Correct.

24 **Q.** And the key elements that are

1 explained to me earlier; is that correct?

2 A. Yes.

3 **Q.** You didn't mean that to be education
4 training or anything like that; is that correct?

5 A. That's correct.

6 **Q.** And also on this Exhibit D, there's
7 a note listed. It says "Applications received
8 by the Salaried Personnel Office in response to
9 this notice will be considered only for this
10 position." What was your understanding of what
11 that note meant?

12 A. That this notice is seeking
13 applicants only for this job.

14 **Q.** Okay. So if you put an application
15 in under this posting, you wouldn't be
16 considered for whatever other jobs were
17 available?

18 A. That's correct.

19 **Q.** Do you understand that or did you
20 know that the person that replaced you was not
21 going to be known as the Supervisor of Salaried
22 Personnel?

23 MR. WINCHESTER: Can we get that
24 clear as to time frame, Counsel?

1 listed, those appear to be pretty much all the
2 job duties that we went through; is that
3 correct?

4 MR. WINCHESTER: Do you want to give
5 him a moment to compare?

6 MS. VITALE: Sure.

7 MR. WINCHESTER: And you're
8 referring to Exhibit B; is that correct?

9 MS. VITALE: Yes.

10 A. Exhibit B doesn't have the EEO and
11 AAP responsibilities on it. It looks like
12 pretty much the same except for the EEO and AAP.

13 **Q.** And we had discussed earlier that
14 those were two additional job duties that you
15 had that weren't listed on the Exhibit B; is
16 that correct?

17 A. Correct.

18 **Q.** And you understood that the key
19 elements as they are listed on this Exhibit D
20 were the job duties that you had in the position?

21 A. Yes.

22 **Q.** Just for example, where it says
23 "trains, develops and evaluates employees,"
24 those were the same job duties that you

1 **Q.** Let's just start when you posted
2 this Exhibit D, did you have any knowledge that
3 the person that would be replacing you would not
4 be known as Supervisor, Salaried Personnel
5 Administration?

6 A. No.

7 **Q.** Did you sometime after that learn
8 that the person that was going to be replacing
9 you would not be the supervisor of salaried
10 personnel administration?

11 A. I learned after that it was going --
12 my replacement was going to remain a 6 at that
13 point.

14 **Q.** When did you learn that?

15 A. Good question. It was shortly
16 before, but I don't -- I don't remember -- I
17 couldn't tell you exactly when it was.

18 **Q.** When you indicated it was shortly
19 before, was that shortly before Ms. James
20 accepted the position?

21 A. Yes. Before she accepted the
22 position?

23 **Q.** Yes.

24 A. No.

1 A. The best I can recall, I believe it
 2 was when I found out that Mike Waters was coming
 3 to the plant to replace her.

4 **Q. When you were training Ms. James,
 5 did you train her on the education and training
 6 portion that she would be assuming or just as to
 7 your job duties and responsibilities?**

8 A. Just my job duties.

9 **Q. Do you recall what training you
 10 provided Ms. James?**

11 A. Well, I tried to hit on essentially
 12 all the topics we've discussed. We spent
 13 considerable amount of time on the merit
 14 program, and we went over the policy manual. We
 15 looked at the EEO function, the affirmative
 16 action plan function, the PRISM system, the
 17 computer system. She had to obviously know how
 18 to get into that and look at and update records
 19 and so forth in the system. Went over ad hoc
 20 reports that I used on a regular basis to
 21 provide information to the staff and so forth.
 22 So soup to nuts; it was everything.

23 **Q. So you tried to touch on every
 24 aspect of your job?**

1 **1 training someone for her position as well as
 2 learning your job duties as well as learning the
 3 education and training job duties?**

4 A. Correct.

5 **Q. Do you think it would be difficult
 6 for a new person to assume both the -- to assume
 7 your job duties and responsibilities, a person
 8 who's new to the HR department, as well as the
 9 education and training responsibilities?**

10 A. I guess it depends on the person.

11 **Q. Somebody who's just new to HR, who's
 12 not been in the HR department.**

13 A. It would be more difficult if you're
 14 new, yeah, if you have not been an HR person,
 15 yes.

16 **Q. Do you think Ms. James could perform
 17 the job duties and responsibilities of your
 18 prior job?**

19 A. I think she could grow into it, but
 20 it's hard to answer that question.

21 **Q. So is --**

22 A. She was a relatively new employee,
 23 so --

24 **Q. But it was a position -- essentially**

1 A. As best I could.

2 **Q. When you left and Ms. James took
 3 over the position on her own in February of
 4 2001, did you feel comfortable that you had
 5 shown her enough of the job that she could
 6 perform your job duties and responsibilities?**

7 A. As comfortable as I could given the
 8 amount of time we had and her level of
 9 understanding.

10 **Q. How much time do you recall spending
 11 with Ms. James?**

12 A. I'm thinking she came -- again, this
 13 is -- I'm not exactly sure when she came, but I
 14 think it was like at the beginning of the year,
 15 in January, so I think we had that month.

16 **Q. So three to four weeks of training?**

17 A. Right. But she wasn't with me at
 18 all times.

19 **Q. Where else was Ms. James? Do you
 20 recall?**

21 A. Well, she had to do some training on
 22 her job, and she also had to spend some time
 23 learning the training function.

24 **Q. Okay. So her time was split between**

1 **1 the supervisor, salaried personnel position was
 2 a position that you kind of grew into; is that a
 3 correct understanding?**

4 A. Well, depending again on the person
 5 who was selected for the job. If you had an
 6 experienced person, they wouldn't need to do as
 7 much growing as somebody who was new to it.

8 **Q. When you assumed the position, did
 9 you kind of grow into the position?**

10 A. To a lot lesser extent than somebody
 11 who would be new because I had been in the
 12 organization; I knew the people; I knew how
 13 things operated as an organization; I was very
 14 familiar with that. I had been in HR, in
 15 personnel, for a number of years prior to that,
 16 so I didn't need as much growing as some other
 17 people might have.

18 **Q. But you understood that there was a
 19 learning curve to the position?**

20 A. Every job -- I don't care if you've
 21 been there for 30 years or whether you've been
 22 there for two years, every job has a learning
 23 curve to it.

24 **Q. You testified earlier that from time**